



# **Complaints and Appeals Policy and Procedure**

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## 1. PURPOSE

- 1.1 This document specifies Laneway Education's (the College) complaints and appeals policy and procedure. It sets out guidance to staff and learners regarding learner complaints and appeals relating to academic and non-academic matters.

## 2. SCOPE

- 2.1 This document applies to all staff and learners in the College.

## 3. DEFINITIONS

- 3.1 *Complaint*: a statement that something is unsatisfactory or unacceptable.
- 3.2 *Appeal*: to apply for review of decisions, including assessment decisions, made by the RTO or a third-party providing services on the RTO's behalf (if applicable).

## 4. POLICY STATEMENT

### Complaints

- 4.1 Learners are entitled to make a complaint about their learning experience at any time should the need arise. A complaint can be about any aspect of our business, and includes issues regarding the conduct of:
  - 4.1.1 the College, its trainers, assessors or other staff;
  - 4.1.2 a third-party providing services on the College's behalf, its trainers, assessors or other staff; or
  - 4.1.3 a learner of the College.
- 4.2 The College encourages learners to attempt to resolve their grievance informally prior to submitting a formal complaint.
- 4.3 Complaints may be submitted by completing the online Complaints Form available on the College website.
- 4.4 The College will ensure the complaints processes will begin within 10 working days of receiving the formal written lodgement of the complaint.

### Appeals

- 4.5 The College has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the College or a third-party providing services on the College's behalf (if applicable).
- 4.6 Learners are entitled to appeal assessment outcomes or complaints handling outcomes if they feel they are unjust.
- 4.7 Learners can appeal assessment decisions or complaints handling outcomes up to fifteen working days after they have been informed of the decision.
- 4.8 The College encourages learners to attempt to resolve their grievance informally prior to submitting a formal internal appeal.
- 4.9 Internal appeals may be submitted by completing the online Appeals Form available on the College website.
- 4.10 The College will ensure the internal appeals processes will begin within 10 working days of receiving the formal written lodgement of the internal appeal.

- 4.11 The College will ensure that the internal appeal decision maker is independent of the decision being reviewed.
- 4.12 Learners are also entitled to access the external appeals process at minimal or no cost if not satisfied with the result or conduct of the internal complaint handling and appeals process.

### **General**

- 4.13 The College is committed to maintaining an effective, timely, fair and equitable complaints and appeals handling system that is easily accessible to learners. This is achieved by:
  - 4.13.1 Having a culture that views complaints and appeals as an opportunity to improve the College systems and processes;
  - 4.13.2 Having a complaints and appeals handling system that is confidential and learner focused;
  - 4.13.3 Having a complaints and appeals policy and procedure that aims to resolve any issues internally wherever possible.
  - 4.13.4 Handling complaints and appeals promptly, objectively and sensitively, ensuring the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
  - 4.13.5 Ensuring the *Complaints and Appeals Policy and Procedure* is publicly available at all times via the College website;
  - 4.13.6 Directing all prospective learners to the *Complaints and Appeals Policy and Procedure* prior to making a decision to enrol with the College;
  - 4.13.7 All learners are given information about the *Complaints and Appeals Policy and Procedure* during their orientation program;
  - 4.13.8 Encouraging the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation;
  - 4.13.9 Ensuring that the views of all parties to a complaint or appeal are respected, and not discriminated against nor victimised;
  - 4.13.10 Provide the opportunity for a learner to formally present his or her case;
  - 4.13.11 Ensuring complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable;
  - 4.13.12 Implementing the internal complaints and appeals policy and procedure at no cost to the learner;
  - 4.13.13 Ensuring there is consistency in the handling of complaints and appeals;
  - 4.13.14 Informing the learner that, at any stage during the complaint or appeal process, they are entitled to be assisted or accompanied by a support person;
  - 4.13.15 Advising the learner of his or her right to access the external appeals process at minimal or no cost if the learner is not satisfied with the result or conduct of the internal complaint handling and appeals process.
  - 4.13.16 Maintaining a learner's enrolment whilst a complaint or appeal is in progress and the outcome has not been determined.
  - 4.13.17 Providing the learner with a written statement of their complaint or appeal outcome at the conclusion of the process, including details of the reasons for the outcome;

- 4.13.18 Ensuring that where the outcome of a complaint or appeal process has highlighted a systemic College issue, the CEO implements appropriate rectification action to prevent the issue reoccurring.
- 4.14 Where the College considers more than 60 calendar days are required to process and finalise the complaint or appeal, the College will:
  - 4.14.1 Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
  - 4.14.2 Regularly update the complainant or appellant on the progress of the matter.
- 4.15 The College:
  - 4.15.1 Securely maintains records of all complaints and appeals and their outcomes, and
  - 4.15.2 Identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

## **5. PROCEDURE**

### **Complaint Procedure**

- 5.1 Learners should initially attempt to resolve a complaint through an informal process directly with the person involved. This aims to resolve the complaint as quickly and as close to the source of complaint as possible.
- 5.2 If an attempt to resolve a complaint informally with the person involved is unsuccessful, or the learner is unsatisfied with the outcome, the learner is encouraged to request a meeting with the Head of Product to discuss the matter.
- 5.3 The Head of Product will attempt to resolve the complaint informally at the meeting. If required, the Head of Product will commit to investigating the matter and arrange a follow up meeting with the learner to discuss the outcome of investigation and offer a solution if necessary.
- 5.4 If the attempt to resolve the complaint informally with the assistance of the Head of Product is unsuccessful, or the learner is unsatisfied with the outcome, the learner is invited to lodge a formal complaint using the online Complaint Form available on the College website.
- 5.5 After the learner has lodged a complaint, they will receive an email confirming that the College has received the complaint.
- 5.6 Any learner that experiences difficulty when completing the complaint form should ask a College staff member to assist them.
- 5.7 Once a complaint form has been lodged (with any relevant supporting material), the formal complaints process will commence within 10 working days from the day it was lodged.
- 5.8 A member of the College administration team records the complaint in the learner's file and on the College complaints register.
- 5.9 The Head of Product will contact the learner to arrange a formal meeting regarding the complaint. The learner will have the opportunity to formally present their case to the Head of Product or CEO. There is no cost to the learner to for this process.
  - 5.9.1 Only the Head of Product or CEO may deal with a formal internal complaint assuming they are not the subject of the complaint.
  - 5.9.2 In the event that the Head of Product and the CEO are not eligible to address the complaint, the complaint will be directed to an external body for review at no cost to the learner.

- 5.10 During the meeting, the learner may be accompanied and assisted by a support person. This applies to any additional meetings involving the complaint.
- 5.11 The Head of Product or CEO will aim to resolve the complaint within ten working days from the commencement of the formal complaint process, unless all parties agree in writing to extend this time.
- 5.12 Within five working days of the conclusion of the internal complaints handling process, the Head of Product or CEO will inform the learner in writing of the outcome of the complaint, including associated reasons for the outcome, and of their right to an internal appeal should they be not satisfied with the result or conduct of the internal complaint handling process.
- 5.13 A record of the outcome, including reasons for the outcome, will be retained in the learner's file.
- 5.14 If any matter arising from the formal complaint indicates a systemic College issue, The Head of Product will, in writing, inform the CEO so the matter can be used to inform the continuous improvement activities of the College.
- 5.15 If the learner does not elect to access the College internal appeals process, the College will implement the complaint outcome (as conveyed to the learner) and undertake any continuous improvement activities arising from the complaint.
- 5.16 If the learner does elect to access the College internal appeals process, they must submit their appeal by completing the online Appeals Form available on the College website.
- 5.17 Once a completed internal appeals form is received from a learner, the appeals process is commenced.

### **Internal Appeal Procedure**

- 5.18 Learners who are not satisfied with the result of a complaint or conduct of the complaint handling process, or an assessment decision, are able to appeal the decision.
- 5.19 Prior to lodging a formal internal appeal, the learner is encouraged to request a meeting with the Head of Product to discuss the matter.
- 5.20 The Head of Product will attempt to resolve the appeal informally at the meeting.
- 5.21 If the attempt to resolve the appeal informally with the assistance of the Head of Product is unsuccessful, or the learner is unsatisfied with the outcome, the learner is invited to lodge a formal internal appeal using the online Appeal Form available on the College website.
- 5.22 If the learner lodges an appeal using the online form, they will receive an email confirming that the College has received the appeal request.
- 5.23 Any learner that experiences difficulty when completing the appeal form should ask a College staff member to assist them.
- 5.24 Once an appeal form has been lodged (with any relevant supporting material), the formal internal appeals process will commence within 10 working days from the day it was lodged.
- 5.25 A member of the college administration team records the appeal in the learner's file and on the College appeals register.
- 5.26 The Head of Product will contact the learner to arrange a formal meeting regarding the internal appeal. The learners will have the opportunity to formally present their case to the Head of Product or CEO. There is no cost to the learner to for this process.
  - 5.26.1 Only the Head of Product or CEO may deal with a formal internal appeal assuming they did not make the decision that lead to the appeal.

- 5.26.2 In the event that the Head of Product and the CEO are not eligible to address the internal appeal, the appeal will be directed to an external body for review at no cost to the learner.
- 5.27 During the meeting, the learner may be accompanied and assisted by a support person. This applies to any additional meetings involving the internal appeal.
- 5.28 The Head of Product or CEO will aim to resolve the appeal within ten working days from the commencement of the formal internal appeal process, unless all parties agree in writing to extend this time.
- 5.29 Within five working days of the conclusion of the internal appeal handling process, the Head of Product or CEO will inform the learner in writing of the outcome of the appeal, including associated reasons for the outcome, and of their right to an external appeal should they be not satisfied with the result or conduct of the internal appeal handling process.
- 5.30 A record of the outcome, including reasons for the outcome, will be retained in the learner's file.
- 5.31 If any matter arising from the internal appeal indicates a systemic College issue, The Head of Product will, in writing, inform the CEO so the matter can be used to inform the continuous improvement activities of the College.
- 5.32 If the learner elects to access the external appeals process, they must inform the Head of Product or CEO in writing within 7 working days of being informed of the outcome of the internal appeal so that the learner's enrolment may be maintained until the process is concluded.
- 5.33 A record of the appeal is recorded in the learner's file.

### **External Appeal Procedure**

- 5.34 Learners that are unsatisfied with an outcome of an internal appeal, are invited to lodge a formal request for an external appeal using the online Appeal Form available on the College website.
- 5.35 If the learner lodges a request for an external appeal using the online form, they will receive an email confirming that the College has received the external appeal request.
- 5.36 Any learner that experiences difficulty when completing the appeal form should ask a College staff member to assist them.
- 5.37 Once an external appeal form has been lodged (with any relevant supporting material), the Head of Product will refer the external appeal to one of the following external independent third parties for resolution:

#### **Domestic Learners**

Resolution Institute

Level 1 and 2

13-15 Bridge Street

Sydney NSW 2000

Phone: +61 2 9251 3366

Freecall: 1800 651 650

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

Website: <https://www.resolution.institute>

### **International Learners**

Commonwealth Ombudsman

Suite 2, Level 16 580 George Street

Sydney NSW 2000, or

Level 6, 34 Queen Street

Melbourne VIC 3000

Phone: 1300 362 072 (Calls from mobile phones at mobile phone rates)

Phone International: +61 2 6276 0111

Website: <http://www.ombudsman.gov.au/>

The cost of mediation is to be shared equally between the parties involved in mediation.

5.38 The external independent third party will manage the external appeal process through to completion.

5.39 If a learner elects to lodge an external appeal, it has the following effect on their enrolment:

5.39.1 If the appeal is against the College's decision to report the learner for:

a) Unsatisfactory course progress, or

b) Unsatisfactory attendance

The College must maintain the learner's enrolment (i.e. not report the learner for unsatisfactory progress or attendance) until the external appeal process is complete and has supported the College's decision to report. The College must wait for the outcome of the external appeals process in this case as reporting a learner for unsatisfactory progress or attendance may result in cancellation of the learner's visa.

5.39.2 If the appeal is against the College's decision to:

a) Defer or suspend a learner's enrolment due to misbehaviour, or

b) To cancel the learner's enrolment

The College only needs to await the outcome of the internal appeals process (supporting the College) before notifying the Department of Education through PRISMS of the change to the learner's enrolment. Once the Department of Education has been notified of a deferment, suspension or cancellation of a learner's enrolment, the learner has 28 days in which to:

c) Leave Australia,

d) Show the Department of Home Affairs (formerly the Department of Immigration and Border Protection) a new Confirmation of Enrolment (CoE), or

e) Provide the Department of Home Affairs with evidence that he or she has accessed an external appeals process.

5.39.3 For all other scenarios, the College will maintain a learner's enrolment until the external appeals process has been completed.

5.40 Following the receipt of the outcome of the external appeal by the independent third party, the College will immediately implement the decision, convey the outcome to the learner, place a copy of the documentation on the learner's file, and undertake any continuous improvement actions arising from the decision.



5.41 Nothing in this policy and procedure inhibits a learner’s rights to pursue other legal remedies. Learners are entitled to resolve any dispute by exercising their rights to other legal remedies.

## 6. RESPONSIBILITIES

6.1 Laneway Education implements a RASCI Responsibility Matrix to assign and display responsibilities of individuals to carry out a process within the organisation.

	CEO	Head of Growth	Head of Product	Administration and Enrolment Coordinator	Administration and Enrolment Team Members	Trainers and Assessors	Student Experience Team Members	Growth Team Members	Head of Compliance
R			X						
A	X								
S		X	X	X	X				
C									X
I						X	X	X	

'R' Responsible – the person who is responsible for carrying out the entrusted task, monitoring compliance and maintaining records.

'A' Accountable (also Approver) – the person who is responsible for the whole task and who is responsible 'for what has been done.

'S' Support – the person who provides support during the implementation of the process.

'C' Consulted – the person who can provide valuable advice or consultation for the process.

'I' Informed – the person who should be informed about the process.

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Revision History			
Date	Version	Description of Modifications	Approved By
12/06/2017	1.0	Original	Dan Wortley
14/06/2017	1.1	Document style and content edits	Dan Wortley
25/08/2017	1.2	Document style and content edits	Dan Wortley
04/10/2017	1.3	Minor content edits	Dan Wortley
12/12/2017	1.4	Minor editing and clarification of accessing hard copy forms	Dan Wortley
03/01/2019	1.5	Clarification of where to access complaint and appeals forms	Dan Wortley
07/03/2019	2.0	Change to company name. Update to correctly reference the Department of Home Affairs (formerly the Department of Immigration and Border Protection)	Dan Wortley
04/06/2019	2.1	Minor document format and content edits	Stuart Hicks
06/09/2019	2,2	Commonwealth Ombudsman replaces Overseas Student Ombudsman. Addition of Melbourne address for Commonwealth Ombudsman. Learners have 7 days, reduced from 10 days, to commence external appeals process.	Dan Wortley