

SC4-I: Complaints and Appeals Policy and Procedures

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Purpose

The purpose of this policy and procedure is to outline Trinity Institute (Australia)'s approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This ensures compliance with Standard 6 of the Standards, as well as compliance with Standard 10 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.

Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

Appeal means a request for a decision made by Trinity Institute (Australia) to be reviewed

CoE means Confirmation of Enrolment

Complaint means a person's formal expression of dissatisfaction with any product or service

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students

ESOS Act means the *Education Services for Overseas Students Act 2000* and Regulations

National Code 2018 means the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*

PRISMS means the Provider Registration and International Student Management System

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Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

Standards means the *Standards for Registered Training Organisations (RTOs) 2015*

Policy

1. Nature of complaints and appeals

- Trinity Institute (Australia) responds to all allegations involving the conduct of:
 - Trinity Institute (Australia), its trainers and assessors and other staff.
 - Any third party providing Services on behalf of Trinity Institute (Australia) including education agents.
 - Any student or client of Trinity Institute (Australia).
- Complaints may be made in relation to any of Trinity Institute (Australia)'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 Trinity Institute (Australia) to be reviewed. Decisions may have been about:
 - course admissions
 - refunds
 - response to a complaint
 - assessment outcomes / results
 - other general decisions made by Trinity Institute (Australia).

2. Principles of resolution

- Trinity Institute (Australia) is committed to ensuring its processes to manage complaints and appeals is free from bias and follows the principles of natural justice. Trinity Institute (Australia) 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.

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- 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.
- Trinity Institute (Australia) 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 Trinity Institute (Australia), or to seek information or advice about doing so.
- Trinity Institute (Australia)'s policies or procedures, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the *Australian Consumer Law* if the *Australian Consumer Law* applies, and it does not circumscribe an individual's rights to pursue other legal remedies.

3. Making a complaint or appeal

- Complaints about an incident should be made as soon as possible after the incident occurring.
- Appeals must be made within 20 business days of the original decision being made.
- Complaints and appeals should be made in writing using the Complaints and Appeals Form, or other written format, and sent to Trinity Institute (Australia)'s head office attention to the General Manager.
- When making a complaint or appeal, provide as much information as possible to enable Trinity Institute (Australia) to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing, that is describe what happened and how it affected you.
 - Any evidence you have that supports 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 complaint or 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 Trinity Institute (Australia) 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.
- Where a third party delivering Services on behalf of Trinity Institute (Australia) is involved, they will also be included in the process of resolving the complaint or appeal.

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- 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.
- Trinity Institute (Australia) will maintain a student's enrolment throughout the internal appeals processes without notifying 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 Trinity Institute (Australia) maintains the student's enrolment as follows:
 - If the appeal is against Trinity Institute (Australia)'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 Trinity Institute (Australia)'s decision to report.
 - If the appeal is against Trinity Institute (Australia)'s decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Trinity Institute (Australia) will update PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

6. Independent parties

- Trinity Institute (Australia) 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. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Trinity Institute (Australia).
 - For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). See information below about external complaint avenues.
 - Trinity Institute (Australia) 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 20 business 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 by Trinity Institute (Australia).

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7. External complaint avenues

NATIONAL TRAINING COMPLAINTS HOTLINE

Phone: 13 38 73

Website: <https://www.employment.gov.au/national-training-complaints-hotline>

Email: ntch@education.gov.au

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 agency/authority/jurisdiction to assist with their complaint.

AUSTRALIAN SKILLS QUALITY AUTHORITY (ASQA)

Complainants may also complain to our registering body, ASQA. It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and their training providers.

ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted Trinity Institute (Australia)'s formal internal complaints process as above.

- More information can be found at: <https://www.asqa.gov.au/complaints>

THE OVERSEAS STUDENT OMBUDSMAN (OSO)

Phone: 13 11 14

Where Trinity Institute (Australia)'s internal processes have failed to resolve a complaint or appeal, students are able to take their case to the OSO. International students may complain to the OSO about a range of circumstances including:

- refusing admission to a course
- course fees and refunds
- being refused a course transfer
- course progress or attendance
- cancellation of enrolment
- incorrect advice given by an education agent
- taking too long in certain processes such as issuing results
- not delivering the services indicated in the Written Agreement.

Students can access this service at no cost in relation to matters that cannot be resolved through Trinity Institute (Australia)'s internal processes.

Trinity Institute (Australia) will cooperate in full with the OSO and will immediately implement their decisions or recommendations and/or take preventative or corrective action required by the decision or recommendation.

We will communicate all actions to the student in writing based on the OSO's decision. More information can be found at: <https://www.ombudsman.gov.au/complaints/international-student-complaints>

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8. Records of complaints and appeals

- Trinity Institute (Australia) maintains a record of all complaints and appeals and their outcomes and reasons for the outcomes on its Complaints and Appeals Register, which is stored securely.

9. Publication

- This policy and procedure will be summarised in the International Student Handbook to ensure that avenues for complaints and appeals are clearly communicated to students before they commence their course.
- This policy and procedure will be published on Trinity Institute (Australia)'s website.
- This policy will also be covered during orientation for international students and induction for all academic staff.

Procedures

1. Complaints management

Procedure	Responsibility
<p>A. Receive and acknowledge complaint</p> <ul style="list-style-type: none"> As per policy, complaints should be made in writing by the complainant, attention to the General Manager. If a complaint is received in another format, the TIA staff member is to record the details in writing and act as per the remainder of this procedure. The General Manager should review all complaints upon receipt. Acknowledge receipt of complaint in writing via email to complainant within 3 business days of receipt using template Complaint/ Appeal Acknowledgement Letter. Record details of the complaint on the Complaints and Appeals Register. Commence process of investigation within 5 business days of receiving the complaint. 	General Manager and Administration Team
<p>B. Investigate the complaint</p> <ul style="list-style-type: none"> Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete. Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person. If the matter is in relation to a third-party delivering Services on behalf of Trinity Institute (Australia), the third party should be involved in the resolution of the complaint. 	General Manager

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Procedure	Responsibility
<ul style="list-style-type: none"> The investigation will also identify corrective and preventative action which will be immediately implemented as per the next section of this procedure. The General Manager will review the information and decide on an appropriate response. Where deemed necessary by the General Manager, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution. Note: The complaint must be completely resolved within 20 business days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved. 	
<p>C. Advise of the outcome and update records</p> <ul style="list-style-type: none"> Provide a written response to the complainant outlining: <ul style="list-style-type: none"> The RTO's understanding of the complaint The steps taken to investigate and resolve the complaint Decisions made about resolution, with reasons for the decisions made Areas that have been identified as possible causes of the complaint and improvements to be recommended Their right to access the appeals process if they are not satisfied with the outcome of the complaints process. Update the Complaints and Appeals Register so it includes the outcome of the complaint and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue. Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant). Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required. 	General Manager and Administration Team

2. Appeals management

Procedure	Responsibility
<p>A. Receive and acknowledge appeal</p> <ul style="list-style-type: none"> Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing by sending a letter to appellant within 3 business days of receipt to ensure appellant receives it within 7 calendar days. Use Complaint/Appeal Acknowledgement Letter. Record details of appeal on the Complaints and Appeals Register. 	Administration Team

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Procedure	Responsibility
<p>B. Respond to assessment appeals</p> <ul style="list-style-type: none"> • In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again. • The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. • Advise the student of the outcome of the appeal. 	General Manager
<p>C. Respond to appeals against non-academic decisions</p> <ul style="list-style-type: none"> • Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. • Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. • If the matter is in relation to a third-party delivering Services on behalf of Trinity Institute (Australia), the third party should be involved in the resolution of the appeal. • The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Trinity Institute (Australia) may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at Trinity Institute (Australia)'s cost. • Trinity Institute (Australia)'s Management team will review all relevant information and decide on an appropriate response. • The investigation will also identify corrective and preventative action, which will be immediately implemented as per the next section of this procedure. • Note: The appeal must be resolved within 20 business days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	General Manager
<p>D. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the appellant outlining: <ul style="list-style-type: none"> – The RTO's understanding of the reasons for the appeal – The steps taken to investigate and resolve the appeal – Decisions made about resolution and reasons for the decisions – If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended 	General Manager and Administration Team

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Procedure	Responsibility
<ul style="list-style-type: none"> - Their right to, and information on, the external appeals process. - The effect on their enrolment status. • Update the Complaints and Appeals Register so it includes the outcome of the appeal and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue. • Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant). • Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required. 	

3. External complaint or appeal

Procedure	Responsibility
<p>A. External complaint or appeal</p> <ul style="list-style-type: none"> • If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal. • Additionally, a complainant or appellant who has been through the internal processes may request Trinity Institute (Australia) to appoint an independent party to review the matter. • For international students, the independent party advised is the Overseas Students Ombudsman, which is free of charge. • Co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them. • Where the decision of the external party supports Trinity Institute (Australia), Trinity Institute (Australia) will update PRISMS of the change in enrolment status. 	General Manager
<p>B. Review external complaints or appeals</p> <ul style="list-style-type: none"> • In the event that the external party finds in favour of the student, immediately organise a management meeting to discuss the external process and its outcome. • At the meeting. discuss the decision made and actions to be taken to implement the decision, including both corrective/preventative actions. • Following the meeting immediately implement actions. • Advise the student of the outcome of the complaint or appeal and the actions taken. 	General Manager



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