

## 1. PURPOSE

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The purpose of this Policy is to outline Pioneer College's approach to managing 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.

Pioneer College endeavors to respect the right of students, staff and other members of the community and provide them with a positive environment with transparent and fair complaints and appeal procedure easily accessible to all and includes access to an independent external body if necessary. This Policy and Procedure ensures that all complaints and appeals are addressed promptly and equitably thus increasing satisfaction of students, staff and clients.

This Policy and Procedure ensures compliance with Clause 6 of the Standards for RTO's 2015 Chapter 3 Support and Progression, as well as compliance with the of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, Standard 10.

## 2. RELATED DOCUMENTS

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- a) Complaints and Appeals Form (CAF)
- b) Complaints and Appeals Outcome Form
- c) Student Feedback Form
- d) Complaints Register
- e) Assessment Policy and Procedure
- f) Trainers Guide

## 3. RELATED LEGISLATION

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- a) Standards for Registered Training Organisations (RTOs) 2015
- b) National Code of Practice for Providers of Education and Training to Overseas Students 2018
- c) Education Services for Overseas Students (ESOS) Act 2000
- d) National Vocational Education and Training Regulator Act 2011 (Cth)
- e) Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- f) Equal Opportunity Act 1995

## 4. SCOPE

4.1 This Policy and Procedure applies to:

- 4.1.1 all staff.
- 4.1.2 current students and
- 4.1.3 prospective students.

## 5. RESPONSIBILITY

5.1 The Academic Manager / PEO are responsible for the following in relation to the complaints and appeals process:

- 5.1.1 oversight of the complaints and appeals management processes.
- 5.1.2 resolution of complaints and appeals.
- 5.1.3 recording of complaints and appeals; and
- 5.1.4 notifying students of the complaints and appeals outcome.

## 6. DEFINITIONS

Appeal	A dissatisfied result occurs, and the student wishes to contest the results. The process involves the decision to be reviewed and re-evaluated with the student providing any evidence or an argument for this to occur. The results from this process may be Appeal decision upheld which results in the decision being overturned or the Appeal being rejected resulting in the previous decision standing.
Complainant	A student lodging a complaint or grievance.
Complaint	Occurs when a grievance is unable to be resolved informally and therefore is put into writing for a formal process to occur.
External Appeal	An appeal to an external agency against a final decision of Pioneer College. Agencies may include the Ombudsman, the Privacy Commissioner, the Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act)
Internal Appeal	An appeal against a decision where the appeal is brought under Pioneer Colleges policies and code of conducts or where there is a process for appeal within Pioneer College's policies and procedures.
International Student	A student studying in Australia on a student visa.

## 7. POLICY PROVISIONS

### Principals:

- 7.1 Pioneer College provides a complaints and appeals process that is transparent, fair and equitable and refers students to an independent external body, if necessary.
- 7.2 Pioneer Colleges complaints and appeals processes are:
  - available to all students.

- confidential; and
- free of cost.

- 7.3 The processes set out hereinafter do not replace or modify procedures or any other responsibilities which may arise under Pioneer College’s policies or under statute or any other law. Nothing in these procedures limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's right to pursue other legal remedies.
- 7.4 Pioneer College will respond to any complaint or appeal a student makes regarding his or her dealings with the Pioneer College. This includes education agents or third-party providers that deliver a course or related services.
- 7.5 The Pioneer College provides complaints and appeals handling processes that adhere to the following principles.

Pioneer College will:

- 7.5.1 Respond to complaints and appeals from students via [complaints@pioneercollege.edu.au](mailto:complaints@pioneercollege.edu.au) or directly from Student Services;
- 7.5.2 commence the assessment of the complaint or appeal within 5 working days of lodgment and finalise the outcome as soon as possible.
- 7.5.3 aims to develop a culture where complaints and appeals are viewed as an opportunity for improvement at Pioneer College.
- 7.5.4 provide an environment in which students may make complaints without fear of discrimination.
- 7.5.5 ensure that staff are aware of complaints and appeals processes and are trained appropriately to ensure that processes are consistently applied.
- 7.5.6 require respectful behaviour amongst all parties when handling grievances.
- 7.5.7 communicate effectively in a timely manner to keep all parties up to date with the progress of the grievance.
- 7.5.8 ensure that the complainant will not be victimised or discriminated against at any time.
- 7.5.9 take measures to hold information in the utmost confidence.
- 7.5.10 applies to the principles of natural justice.
- 7.5.11 aim to resolve grievances to the satisfaction of all parties; and
- 7.5.12 where more than 20 working days are required to finalise complaint, the complainant receives formal notification detailing the reason why additional time is required.

- 7.6 If a student lodges a formal complaint and it is not successful, Pioneer College will advise the student within 5 working days of their right to access an external complaints or appeals process. Pioneer College will provide the contact details of the appropriate external body within the notification sent to the student via email.

- 7.7 If the student lodges a complaint or appeal and it is in favour of the student, Pioneer College will

<b>Document Name:</b> Complaints and Appeals Policy and Procedure	<b>RTO Code:</b> 45763	<b>CRICOS Code:</b> 03956A
<b>Version:</b> 3.0	<b>Approved:</b> 01 April 2023	<b>Review Date:</b> 01 April 2024

immediately implement the decision or recommendation and take the relevant preventive or corrective action. Pioneer College will also advise the student of that action within the notification of the complaints or appeals outcome sent via email no later than 5 working days of the outcome results.

- 7.8 The process for handling complaints and appeals is separated into two streams: academic and nonacademic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level. The final internal decisions are made by the Senior Management Team.
- 7.9 Current students, or those seeking to enroll in a course of study with Pioneer College, are entitled to access the complaints and appeals processes set out in this policy.
- 7.10 The complainant has the right to be represented by a third-party representative (such as a family member, friend, counsellor or other professional support person, other than a legal representative) if they require a support person. This is applicable for all types of complaints and at all stages during the process.
- 7.11 Pioneer College will maintain a register of all complaints and appeals, including any verbal or informal complaints.

### Grounds for a complaint or appeal

- 7.12 Complaints may be lodged up to a maximum of 20 working days after an incident has taken place.
- 7.13 Appeals must be lodged within 20 working days against internal decisions made by Pioneer College. policies or procedures if the relevant document includes a right of complaint or appeal.
- 7.14 Complaints or appeals may occur because of decisions made including, but not limited to, the following:
  - 7.14.1 complaint against a Pioneer College third-party provider or staff member.
  - 7.14.2 complaint against another student's behaviour
  - 7.14.3 appeal of a final grade.
  - 7.14.4 special consideration.
  - 7.14.5 student discipline (including misconduct, cheating, unfair advantage and plagiarism).
  - 7.14.6 unsatisfactory progress.
  - 7.14.7 unsatisfactory attendance.
  - 7.14.8 exclusion.
  - 7.14.9 admission, enrolment, transfer, and withdrawal.
  - 7.14.10 credit.
  - 7.14.11 fees and charges.
  - 7.14.12 refunds.
  - 7.14.13 bullying.

- 7.14.14 discrimination.
- 7.14.15 harassment.
- 7.14.16 privacy; and
- 7.14.17 conduct that has an unreasonable negative impact on the student.

### External Complaints and Appeals

There is an external complaint/appeal process available to students if they have exhausted the above college/ internal complaint and appeal procedures and still feel unsatisfied.

International students who wish to lodge an external appeal can do so through the Overseas Students Ombudsman. See the Overseas Students Ombudsman website <https://www.ombudsman.gov.au> or phone 1300 362 072. The Overseas Students 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 training provider. Pioneer College agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report. Each complaint, grievance, appeal and its outcome will be recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision

## 8. POLICY INFORMATION

Authorised Officer	PEO
Supporting documents, procedures & forms of this policy	Complaints and Appeals Form (CAF) Complaints and Appeals Outcome Form Student Feedback Form Complaints Register Assessment Policy Trainers Guide
Related Legislation and Codes of Practice	Standards for Registered Training Organisations (RTOs) 2015 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Education Services for Overseas Students (ESOS) Act 2000 National Vocational Education and Training Regulator Act 2011 (Cth) Human Rights and Equal Opportunity Commission Act 1986 (Cth) Equal Opportunity Act 1995
Audience	Public

## 9. PROCEDURES

### Informal Complaints

- 9.1 In the first instance, where a student feels that they are dissatisfied with some aspect of the service

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- provided by the Pioneer College, it is suggested that they speak with the person in charge of delivering the service in the first instance in an attempt to resolve the problem.
- 9.1.1 If the situation concerns a piece of assessment, then the student should speak to their Trainer.
  - 9.1.2 If the situation concerns enrolments or refunds, then speak to the Supervisor, Student Services; and
  - 9.1.3 For other concerns, please see the PEO.
- 9.2 For complaints of an academic nature, the student may speak to the Trainer or Academic Manager in the first instance. This may, for example, be a query regarding an assessment outcome or other matters. However, the student may decide to speak to the Academic Manager in the first instance. If the student is not satisfied with the outcome of the discussion, they may lodge a formal complaint and appeals following the Formal Procedure outlined below.
- 9.3 For complaints of a non-academic nature, the student may speak to the person involved in the first instance or speak to the person's supervisor. If the student is not satisfied with the outcome of the discussion, they may lodge formal complaint following the Formal Procedure outlined below.
- 9.4 A staff member may also be able to help students assess whether an informal process may be more effective and provide a quicker resolution or whether a formal process is more suitable due to the circumstances. This could take into account whether a student could be placed at a greater risk if they were to make a direct approach to the respondent and whether in certain circumstances a further confidential investigation of the facts is warranted.
- 9.5 If a student feels uncomfortable or unable to approach the Pioneer College staff member involved, they may be able to speak directly with the Academic Manager. It is intended that the issues of concern be resolved at the lowest level with minimal impact.
- 9.6 If the situation cannot be resolved, students may lodge a formal grievance by recording their issues in writing. Students can use a *Complaints and Appeals Form* available on the Pioneer College's website [www.pioneercollege.edu.au](http://www.pioneercollege.edu.au) under Forms & Policies. This is then submitted by Student Services to the [complaints@pioneercollege.edu.au](mailto:complaints@pioneercollege.edu.au) email account for processing.
- 9.7 The student may choose the following courses of action:
- 9.8 Take no further action.
  - 9.9 Try undertaking an informal approach with the person concerned
  - 9.10 Proceed to a mediator.
  - 9.11 Proceed with a formal grievance with or without an advocate.
  - 9.12 Take the grievance to an external authority.

### Informal Complaint Process

- 9.13 Approach the respondent.
- The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimizes potential detriment to ongoing working relationships. The informal process is preferred, where

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appropriate, to avoid lengthy formal proceedings, and to use a consultative approach to raise awareness and prevent further issues.

- 9.14 However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.
- 9.15 If an informal process has been agreed, and the issue is with a member of staff, the staff member will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the student within 5 working days of receiving the complaint. Their response should include the following:
- i. A formally acknowledged receipt of the complaint.
  - ii. An offer to organize time to contact the student.
- 9.16 The aim is to try and establish:
- i. Aspects of the issue that can be agreed on, and those where there is a difference in opinion.
  - ii. The relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint
  - iii. The preferred method for resolving a particular kind of complaint, and any other parties that may need to be involved in its resolution, such as the Academic Manager or CEO.
  - iv. An understanding of whether an informal process will be sufficient to resolve the issue.
- 9.17 Approach the respondent's supervisor or manager.
- i. Make an informal complaint and appeal to the respondents' manager or other senior staff members.
  - ii. The respondent has five (5) working days to provide a response to the manager.
  - iii. The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation
- 9.18 Informal conciliation
- i. Meeting with the claimant and respondent in an attempt to achieve agreed outcomes. The aim
  - ii. is to provide an opportunity to air the complaints and appeals and permit a response to the allegations or request, via a facilitated discussion.
  - iii. If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to
  - iv. the CEO or Academic Manager to proceed to the formal resolution process.
- 9.19 Complainants and respondents are encouraged to seek the support of another party to assist them during the process. The complainant can have present with him/her a support person at these meetings, but not a legal representative.
- 9.20 The timeframe for resolving the complaints and appeals through the informal resolution process should be timely and not exceed 10 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, and other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

- 9.21 If a student is not satisfied with the outcome of the informal procedure, then the student may choose to advance to the formal procedure, as outlined below.

### Formal Complaint for Academic Matters or Non-Academic Matters

- 9.22 The complainant is encouraged to seek advice from the Student Services Officer regarding the process for formal resolution of the grievance.
- 9.23 Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the complaints and appeals are confidential and that they are protected from victimization.
- 9.24 If the complaints and appeals have already undergone an informal resolution process, then the CEO may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgment of the Complaints and Appeals Form.
- 9.25 Where the complaints and appeals involve a staff member, and it is considered that it may amount to misconduct, the matter must be reported to the Academic Manager. In such circumstances, the CEO should also be notified.
- 9.26 There are various categories of grievance and they may include:
- i. Academic matters, teaching quality, intellectual property, plagiarism and cheating.
  - ii. Administrative matters regarding policies, procedures, decisions and access to required resources.
  - iii. Intimidation by other students or staff members
  - iv. Collective complaints by a number of students with a similar issue.
- 9.27 Non-academic grievances may include:
- i. Administrative matters regarding policies, procedures, decisions and access to required resources.
  - ii. Intimidation by other students or staff members
  - iii. Collective complaints by a number of students with a similar issue.

### Formal Complaint Process for Academic or Non-Academic Matters

- 9.28 The stages of the formal resolution process are:
- i. The student lodges a Complaint and Appeals Form to student services in person or via [complaints@pioneercollege.edu.au](mailto:complaints@pioneercollege.edu.au).
  - ii. The account administrator of the above email account then labels and directs all Complaints and Appeals Form to the CEO or appropriate designated person. The CEOs will log the complaint on the complaints register and label accordingly.
  - iii. A written acknowledgement of the complaint receipt is sent to the student by the Account Administrator.



- iv. It is then forwarded to the CEO/ Academic Manager who must respond with a resolution within 20 working days (if required).
- v. The CEO/ Academic Manager is to ensure that there has not been previous involvement with the student's complaint and/or grievance. If required, an independent person will be called onto the panel.
- vi. The complainant will be given an opportunity to present their case and may choose to be accompanied by a support person.
- vii. A conciliation process or internal investigation will be initiated.

### **Option 1: Conciliation Process**

- 9.29 Conciliation aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.
- 9.30 Discussions are initiated, and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the claimant and respondent commence within five (5) working days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.
- 9.31 Proposed resolution is developed.

### **Option 2: Internal Investigation**

- 9.32 Where a complaint requires feedback from a Pioneer College employee or representative, an internal investigation is conducted.
- 9.33 The process involves:
  - i. Details of complaint/appeal are recorded on an Employee Meeting Record Form (EMRF), and are discussed with the staff members to gather information and responses.
  - ii. Based on the complaints and appeals, and information collected as part of the EMRF process, additional interviews with complainants, and other parties involved may be required. All interviews recorded and kept as evidence for the complaint.
  - iii. Responses and information gathered as part of the investigations are collected and recommendations provided to the Academic Manager to consider.
  - iv. The Academic Manager will make a decision within 10 working days of receipt of the report, together with a written decision sent to the complainant and respondent.
  - v. The CEO will ensure that all rectifications agreed are implemented and relevant processes carried out.

### **Finalizing a Formal Complaint and Notifying the Student**

- 9.34 Once a final resolution has been confirmed through conciliation, or the internal investigation has been completed, a written statement of the complaint decision will be sent to the complainant via the Academic Manager or Student Services.

- 9.35 If the resolution of the complaint is not in the student’s favour, the notification is to include the internal appeals information, including how to access the external appeals. Contact details of the external appeals avenue will be included to the student, who will be notified that they have 20 working days to lodge an appeal and notify Pioneer College of the lodgment of the external appeal.
- 9.36 If the proposed resolution is agreed by both parties, then both parties will sign the Complaints and Appeals Form confirming that the issue has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimization or any means of reprisal is unacceptable and could invoke disciplinary action. Monitoring of outcomes agreed should be actioned by the relevant senior staff members such as the CEO and/or the Academic Manager, complainant’s supervisor and/or respondent’s supervisor to ensure compliance with any agreed actions.
- 9.37 If the internal investigation finds in the student’s favour, Pioneer College is to:
- i. notify the student of the complaints finding.
  - ii. immediately implement the decision or recommendation; and/or
  - iii. take preventative or corrective action required by the decision and notify the student of that action.
- 9.38 Student Services must complete a Complaints and Appeals Outcome Form (Part C) electronically and issue this as closed to the [complaints@pioneercollege.edu.au](mailto:complaints@pioneercollege.edu.au) account. The complaint/appeal will then be closed on the complaint register.

## Appeals

- 9.39 A student may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. A number of reasons may be valid grounds for appealing an outcome such as:
- i. A belief that an irregularity in the procedures has occurred.
  - ii. New evidence and facts have emerged that could change the decision.
  - iii. The penalty imposed or decision reached could be considered unreasonable.
  - iv.

## Internal Appeals

- 9.40 If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the CEO to appeal against the decision.

## External Appeals

- 9.41 All students have the right to lodge an external appeal within 20 working days from the written notification sent by the Pioneer College of the internal complaint or appeal finding.

## International Students

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- 9.42 For international students, if the complainant or the respondent is not satisfied with the outcome, they may lodge an appeal with the Overseas Students Ombudsman. The following applies to international students:
- i. In Australia, you have the right to complain and appeal.
  - ii. The Overseas Students Ombudsman's services are free.
  - iii. In some cases, the Ombudsman may decide not to investigate your complaint and appeal. This might happen where another organisation can help you, or you have not spoken to your provider about your complaint.
  - iv. If the Ombudsman decides not to investigate, they will tell you why and refer you to another organisation that can help.
  - v. The Ombudsman is independent and impartial. If they do decide to investigate your complaint and appeal, they will contact Pioneer College and ask us what happened.
  - vi. They will treat your information with privacy and respect, and collect, store, use and disclose your personal information only in accordance with Australian privacy laws.
- 9.43 If the internal or any external complaint handling or appeal process results in a decision that supports the student, Pioneer College must immediately implement any decision and/or corrective and preventative action required and advises the students of the outcome. The final outcome of the external appeals process must be abided by both parties.

### Record Keeping and Confidentiality

- 9.44 All parties with an interest in the outcomes of an Academic Manager should keep confidential notes of their discussions with other parties, and copies of such notes and associated findings made available for inclusion in the student's file and the staff member's file where relevant. To ensure that they can be represented as an accurate record of the grievance process, the parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.
- 9.45 An explanation in writing of decisions and actions taken as part of the procedures will be given to the respondent and complainant.
- 9.46 Records of all complaints and appeals will be kept and be accessible to all interested parties for a period of 5 years. All complaints and appeals received via the [complaints@pioneercollege.edu.au](mailto:complaints@pioneercollege.edu.au) address will be logged, and all evidence of completion will be securely stored on Pioneer College servers.
- 9.47 Each Month the Supervisor Student Services provides a Complaints Register to the CEO, who collates an overview of all complaints together for review with the Senior Management Team.