



Complaints and Appeals Policy & Procedure

1. Policy

- 1.1 This policy and procedure applies to all students who are enrolled at Capital College.
- 1.2 If a student has a complaint that they wish to raise with the College they are encouraged to do so through the Complaints and Appeals procedure. Students are also encouraged to appeal any Capital College decision if they feel they have valid grounds via the Appeals process as per this policy. This includes assessment and RPL decisions.
- 1.3 Students may lodge informal and formal complaints. Students can lodge a complaint against any decision made by a third-party providing services on Capital College's behalf. Students may also access internal and the external appeals process.
- 1.4 Capital College has a procedure for informal/ formal complaints and internal and external appeals processing/ handling.
- 1.5 All complaints and appeals lodged will be used for continuous improvement purposes.
- 1.6 The CEO is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.
- 1.7 This policy will be implemented in compliance with the requirements of the Standards of Registered Training Organisations (RTOs) 2015 Standard 6 and the National code of practice 2018 Standard 10.
- 1.8 This policy and procedure applies to all Capital College international students and staff.
- 1.9 Students right to access Australian consumer protection law and other legal remedies is not affected by this policy and procedure.
- 1.10 All students are provided information on Capital College Complaints and appeals policy and procedure pre and post enrolment.
- 1.11 Students' enrolments are maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- 1.12 Complaints and appeals are taken seriously by Capital College and action is commenced within 5 days of receipt of a complaint or appeal. Appeals must be lodged within 20 working days of the decision of a complaint process or assessment result.
- 1.13 The principles of natural justice and procedural fairness are consistently applied when Capital College is implementing this policy and procedure.
- 1.14 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair, unbiased and equitable to all parties. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- 1.15 The following procedure outlines how students will have their complaints and appeals processed.

Procedure

2. Informal Complaint Process – General Complaints

- 2.1 Students are encouraged to approach any member of staff to provide feedback about any issue relating to their training.
- 2.2 Where possible staff members utilise advice, discussions, and general mediation in relation to the feedback or informal complaint. Staff members try and resolve the issue informally.
- 2.3 Staff members refer students to the Training Manager if they feel they cannot or it is not appropriate for them to try and resolve the issue.
- 2.6 Staff may arrange a future meeting with the student if further investigation is required.
- 2.7 The outcome of the informal complaint should be communicated to the student within 10 working days.
- 2.9 Students who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.

3. Formal process - General Complaints

- 3.1 Students are encouraged to approach any member of staff and make a formal complaint about any issue relating to their training. Students can lodge a complaint against any decision made by a third-party providing services on Capital College's behalf, its trainers, assessors or others.
- 3.2 If dissatisfied with the outcome of the informal complaints process, students should complete the Complaints & Appeals form found on the website [www](http://www.capital.edu.au)
- 3.3 Students should lodge formal complaints using the Complaints & Appeals form located in the Student handbook (valid visa holders) on Capital College website www.capital.edu.au
- 3.4 Complaints & Appeals forms are to be submitted to: CEO Capital College by email CEO@capital.edu.au
- 3.5 If the complaint is against the CEO, the College's Directors will deal with the complaint. In this instance submit the complaint form and address it to the College Directors by e-mail – also CEO@capital.edu.au.
- 3.6 Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint form. It will be processed within 10 working days of lodgement.
- 3.7 Parties involved in the complaint will be notified in writing about the complaint (including details) and invited to respond in writing to the complaint. Capital College gives all parties every opportunity to present their point of view/ position during this process and try to resolve the issue to the satisfaction of the complainant where possible.
- 3.8 The CEO will investigate the complaint and liaise with appropriate staff to ensure all the facts are considered prior to making any decision. All parties are encouraged to approach a complaint or appeal with an open view and attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.
- 3.9 If a meeting is initiated the CEO will meet with the complainant to provide opportunity to present their side of the matter.
- 3.10 Meeting minutes will be taken and made available to all parties.
- 3.11 Students' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the student.
- 3.12 On reviewing the evidence the CEO will attempt to negotiate a resolution to the issue/ complaint.
- 3.13 The CEO notifies the student in writing of Capital College's decision within 3 working days of the decision being made. This will include reasons for the decision.
- 3.14 Students are notified of their right to appeal any decision within 20 working days of receiving notification if they are not satisfied with the outcome of the process. They are also notified how to access the process.
- 3.15 All formal complaints and outcomes are recorded in the Complaints and Appeals Register. If appropriate the continuous improvement register will be updated.
- 3.16 If a student's complaint is substantiated through this process the College will take immediate corrective action.
- 3.17 All relevant documentation relating to the complaint is stored in the student's file.
- 3.18 If the complainant is unsatisfied with the outcome of the formal complaint process, they may access the Capital College internal appeals processes. The internal appeals procedure is outlined below.

4. Internal appeals process – General appeals

- 4.1 If students are not satisfied with a Capital College decision they may appeal by accessing the appeals process.
- 4.2 Students must have reasonable grounds for an appeal and include all supporting evidence with the Complaints & Appeals form.
- 4.3 Students' have the right to seek advice from and be represented by external parties at any time during the appeals process. The cost of this will be borne by the student. Students may request assistance from the Student support officer during any part of the appeals process including during meetings.
- 4.4 If the appeal is lodged as a result of the outcome of a complaint, the staff member who dealt with the complaint will not handle the appeal.
- 4.5 Students must lodge an appeal within 20 working days of being notified by Capital College of any decision they wish to appeal.

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- 4.6 Students must lodge appeals using the Complaints & Appeals form located in the Student Handbook (valid visa holders) via e-mail to CEO@capital.edu.au.
- 4.7 The appeals process will commence within 5 working days of lodgement and the outcome communicated to the student within 20 working days of lodgement. On receiving an appeal Capital College will arrange a meeting to take place and inform the student in writing.
- 4.8 Staff handling the appeal provide all parties every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the student where possible.
- 4.9 Capital College considers all the evidence and liaise with appropriate staff if necessary, to ensure all the facts are considered prior to making any decision.
- 4.10 If appropriate Capital College staff may seek advice from external welfare support services and/ or academic staff.
- 4.11 If appropriate staff may implement the Capital College Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 4.12 Capital College representatives will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 4.13 Minutes of the meeting will be taken including the outcome of the appeal. This will also include the reasons for the decision. The minutes will be signed by all present.
- 4.14 If the outcome is in favour of the student, Capital College will immediately commence corrective/ improvement action.
- 4.15 Students are forwarded written confirmation of the outcome the next business day. The letter details the reasons for the decision and informs the student of their right to access the external appeals process within 20 working days of receipt of the letter (if appropriate). Information on how to access this process is also provided.
- 4.16 The complaints and appeals register is updated. The continuous improvement register may also be updated.
- 4.17 All evidence will be placed in the students file.

5. External appeals process

- 5.1 External appeals may only be lodged if a student thinks Capital College has not followed this Complaints and Appeals policy and procedure. Students can lodge an external appeal against any decision made by a third party providing services on Capital College behalf, its trainers, assessors or others.
- 5.2 Students may access the external appeals process with the Overseas Student Ombudsman <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>.
- 5.3 Students must lodge external appeals using the Complaints & Appeals form located in the and Student Handbook (valid visa holders).
- 5.4 Complaints & Appeals forms are to be submitted to: CEO@capital.edu.au Students will be forwarded a letter (by email acknowledging the receipt of their appeal and a copy of this policy and procedure within 5 working days of Capital College receiving the Complaints and appeals form. Other parties involved in the appeal will be notified in writing about the appeal (including details) and invited to respond in writing.
- 5.5 Capital College will forward all external appeals to the Overseas Student Ombudsman within two working days of lodgment.
- 5.6 The Overseas Student Ombudsman will advise the student that in general, the purpose of the external appeals process is to determine whether Capital College has followed its internal complaints and appeals policy and procedure.
- 5.7 The Overseas Student Ombudsman will not review the evidence or make a decision in place of the one made by Capital College.
- 5.8 Students will not incur costs in accessing the external appeals process unless they seek external representation.
- 5.9 All documentation is placed in the students file.
- 5.10 The Overseas Student Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and Capital College at the completion of the external appeals process.
- 5.11 If the outcome of the external appeals process results in a decision favoring the student, Capital College will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external
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appeals body. The student will be advised as to the course of action taken by Capital College as per the Overseas Student Ombudsman advice.

5.12 The student will be contacted within 1 working day of receiving notification from the Overseas Student Ombudsman of the decision.

5.13 The student may access and receive the outcome of only one external appeals process

6. Students appealing Capital College intention to report for unsatisfactory course progress, or appealing a decision to suspend or cancel their enrolment

6.1 If an student receives notification from Capital College informing them that Capital College intends to report them for failing to maintain satisfactory course progress (as per student visa requirements and Capital College Course progress policy and procedure), students have to the right to appeal the decision.

6.2 If an student receives notification from Capital College informing them that Capital College intends to suspend or cancel their enrolment for misconduct/ misbehavior or in accordance with the Defer, suspend or cancel enrolment policy and procedure, students have to the right to appeal the decision.

6.3 Appeals must be lodged in writing on the Complaints and appeals form and include verifiable supporting documentation/ evidence.

6.4 Students have 20 working days to lodge an appeal against a Capital College decision.

6.5 Students must attend all scheduled classes during the complaints and appeals process and complete all related course work and assessments.

6.6 If a student chooses to access the Complaints and appeals processes to appeal the intention to report the student to the DHA/ DoE or suspend or cancel their enrolment, Capital College will maintain the student's enrolment while the internal and external appeals processes are ongoing.** unless in the circumstances identified in clause 8.8.

6.7 Capital College may decide to suspend or cancel a student's enrolment before the internal or external appeals process elapsed or before the conclusion of the appeal process is known if there are extenuating circumstances. e.g. serious risk being posed to the student, other students and/ or Capital College staff by maintaining the student's enrolment.

7. Suspending and cancelling student enrolments

7.1 Capital College waits until 22 working days after notifying the student of the Capital College's intention has elapsed, or the outcome of any appeal is known or the student withdraws from the appeal process before suspending or cancelling an enrolment.

7.2 Enrolments are suspended or cancelled via PRISMS with reasons noted and all documentary evidence placed in the students file.

7.3 Students are notified of the impact of suspending and/ or cancelling their enrolment on their student visa at all stages during the relevant process in person and in formal communication from the Capital College.

7.4 All documentation relating to cancelling an enrolment is stored in the students' file.

8. Continuous Improvement

8.1 Information collected during the complaints and appeals process will be securely stored and used for continuous improvement purposes.

8.2 All records and information collected will be stored in a locked office. Hardcopy records in a locked filing cabinet, and soft copy records on a PC which is password protected.

8.3 As part of the continuous improvement process, information gained during the processes will be analysed, and appropriate action will be taken to eliminate or mitigate the likelihood of the issues reoccurring.

Further information

Capital College's Complaints and Appeals policy and procedure in no way effects the students right to access consumer affairs legislation and legal representation.

Students also have the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against Capital College.

National VET Regulator

Australian Skills Quality Authority

Web: www.asqa.gov.au

Email: enquiries@asqa.gov.au

Phone: 1300 701 801

Documents to be employed when implementing this policy and procedure:

- Student handbook
- Complaints and appeals form (attached)
- Complaints and appeals register
- Continuous improvement register
- Defer, suspend or cancel enrolment policy and procedure
- Course progress policies and procedures
- SMS/LMS

Revision history

Revision Date	Comment	Revised by
1/1/18	Policy and procedure created	CEO
31/8/20	Policy and procedure reviewed	CEO

Appendix 1

Complaints and Appeals form - Capital College CRICOS No: 03537J RTO No: 41593

Students who wish to submit a complaint or appeal can do so by completing this form. Outline the reasons for the complaint / appeal and attach any supporting evidence. A full version of the Complaints and Appeals Policy and Procedure and support when completing this form can be obtained from the info@capital.edu.au

Please indicate whether you are lodging a: Complaint Appeal

Name: _____ Date: _____

Course: _____

Provide an explanation of the reasons why you are complaining/ appealing. (please provide as much detail as possible including staff/ Students involved, places, timings, assessment / course details and other relevant details if appropriate).

Note: Please attach all supporting evidence and submit this form to , Capital College at Level 2, 17-21 University Avenue, Canberra ACT 2601 or via email to info@capital.edu.au

Signed: _____