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## **Complaints and Appeals Policy and Procedure (CRICOS)**

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# Complaints and Appeals Policy and Procedure (CRICOS)

## Introduction

House of Learning Pty Ltd, trading as Builders Academy Australia (BAA) ensures it has an accessible and easy to understand complaints and appeals process for its stakeholders relevant to its CRICOS registration. This Policy and Procedure is aligned with National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 10.

## Purpose

To ensure that BAA's complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

## Scope

This Policy and Procedure applies to all International Students and intending International Students at BAA. BAA will respond to any complaint appeal the International Student makes regarding their dealings with BAA, BAA's Education Agents or any related party BAA has arrangements to deliver services to Students.

## Responsibilities

Chief Executive Officer (CEO)

## Definitions

**Accepted Student** of a registered Provider means a Student (whether within or outside Australia):

- (a) who is accepted for enrolment, or enrolled, in a **course** provided by the Provider; and
- (b) who is, or will be, required to hold a Student Visa to undertake or continue the course.

Therefore, Students are accepted into a program and not the organisation. Record keeping periods are applicable to the course enrolment at the time of any event.

**International Student** means International Students or intending International Students on a Student Visa under the Migration Act 1958.

## Policy Statement

BAA has an appropriate internal complaint handling and appeals process that satisfies the following requirements:

- A process is in place for lodging informal and formal complaints or appeal if the matter cannot be resolved, which requires a written record of the complaint or appeal to be kept;
- Each Complainant or Appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
- Each party may be accompanied and assisted by a support person at any relevant meetings;
- The Complainant or Appellant is given the outcome in writing, including details of the reasons for the outcome; and
- The process commences within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

BAA has arrangements in place for a person or body independent of and external to BAA to hear complaints or appeals arising from the BAA's internal complaints and appeals process.

If the Student chooses to access the BAA's complaints and appeals processes, BAA will maintain the Student's enrolment while the complaints and appeals process is ongoing.

If the internal or any external complaint handling or appeal process results in a decision that supports the Student, the BAA will immediately implement any decision and/or corrective and preventative action required and advise the Student of the outcome.

If the Student is not satisfied with the result or conduct of the internal complaint handling and appeals process, BAA must advise the Student of his or her right to access the external appeals process at minimal or no cost.

Where a Student is not satisfied with the result or conduct of the internal complaints and appeals process, the Student has the right to access an external appeals process through the Overseas Students Ombudsman <http://www.ombudsman.gov.au/How-we-can-help/overseas-Students>

## Principles

Any complaint will be handled fairly, recognising the rights of both the person making the complaint, BAA and person against whom the complaint is being made. All parties concerned will be treated with courtesy and appropriate confidentiality will be maintained.

BAA will be transparent and accountable in relation to client complaints by ensuring information about the procedure is widely available and by informing stakeholders about feedback received and actions taken to improve services resulting from analysis of feedback.

At any point a complaint may be withdrawn by the Complainant.

BAA will collect data and maintain records of complaints received and their outcomes. These will be reported weekly and analysed by Management monthly and also assessed annually as part of the BAA's continuous improvement strategy.

All documentation relating to Student complaints will be forwarded to the Compliance Officer to be registered within the BAA Complaints and Appeals Register and filed appropriately.

This policy and procedure is available to all staff. BAA will ensure appropriate training for staff involved in the complaint management process. This will be provided during staff orientation, as part of the organisation's professional development strategy for its staff and at least during an annual refresher session.

This policy and procedure will also be made available to all prospective and enrolled Students in the BAA website, contractual documentation and addressed during any orientation program.

## Complaints

BAA classifies complaints as 'academic' and 'non-academic'.

- Academic matters – matters which relate to Student progress, assessment, course content or awards, etc.
- Non-academic matters – all other matters which do not to academic matters such as fees, concerns about privacy, matters relating to other Students, harassment etc.

The process is the same with the exception of non-academic complaints will be handled by specific BAA staff members such as below:

*Non-Academic* complaints include for example:

- Student administration;
- Marketing and information practices;
- Facilities;
- Finance; and
- Welfare.

*Academic* complaints include for example:

- Assessment;
- Results;
- Student progress;
- Attendance;
- Statements of Attainment (SOA) / Certificates; and
- Recognition of Prior Learning (RPL) / Credit Transfer (CT) / Course Credit.

For *Academic* complaints, attendees in the meeting to hear the complaint will include:

- General Manager- National Operations;
- Training Manager;
- Trainer and Assessor (as relevant to the complaint); and/or
- Student Welfare Coordinator.

For *Non-Academic* complaints, attendees in the meeting will include:

- General Manager- National Operations;
- Training Manager;
- Student Welfare Coordinator; and/or
- Any other person as deemed appropriate by BAA or the Student.

Where a complaint decision is made in favour of the Student, BAA will advise the Student of this in writing and implement any decision or corrective and/or preventative action required immediately.

It should be noted that throughout the internal complaints and appeals process, a Student's enrolment will be maintained (subject to extenuating circumstances). The National Code 2018 (Standard 10) does not require BAA to continue to provide learning opportunities while the complaint is being processed however, the Student's Confirmation of Enrolment (CoE) will not be cancelled until the appeals process has been exhausted and then, unless the appeal finds in favour of BAA.

It is at the discretion of BAA whether it will continue to offer learning opportunities to Students in such circumstances on a case-by-case basis. The Student will be advised in the acknowledgement of their complaint whether BAA will continue to offer learning opportunities in their specific situation. In some cases where it is deemed appropriate, BAA may continue to provide learning opportunities while excluding the Student from typical class attendance but mandatory attendance in an alternative learning environment while the complaint is being considered.

BAA considers that denying Students learning opportunities throughout the complaints and appeals process may disadvantage Students in subsequent study periods should the complaint or appeal find in the Student's favour and therefore does not take the matter of exclusion from class lightly.

## Procedure

### Informal Complaint

In the first instance Students will contact their allocated Trainer/Assessor to discuss any issues or concerns they may have.

If the Student is dissatisfied with the outcome of their discussion with the Trainer, they can escalate the matter by sending an email to the Senior Trainer to [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au), explaining their issue or concern. The Senior Trainer will investigate the Student's issue/concern and respond to the Student within 5 Business days of the date of the Student's e-mail.

The Student will be advised of their right to access the Formal Grievance procedure, if they are still dissatisfied with the outcome at this stage.

### Formal Complaint

General principles of this process:

- The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
- The Complainant and the respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or the respondent if requested.
- Records of all grievances will be kept for a period of at least five years. These records will be kept strictly confidential and stored electronically in a specific secure location and within a folder that will only be accessible to Senior Management. The complaint file must be stored and retained for two (2) years after becoming an **accepted Student** of the course
- A Complainant shall have appropriate access to this grievance procedure at no cost.

#### Stage One

Formal grievances should be submitted in writing to the BAA Training Operations Manager by:

**Post:** Training Operations Manager, Level 4, 570 St Kilda Rd, Melbourne 3004.

**Email:** [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au)

The Training Operations Manager will commence assessment of the grievance within 10 working days of being received and will bring the matter to the Complaints Committee for a determination to be made.

The Training Operations Manager will give the Student the opportunity to meet if they wish to do so, and to be accompanied and assisted if desired.

The Training Operations Manager will advise the Complainant in writing and within 5 working days of assessment commencement, of the Committee's decision and the outcome of the grievance including full details of the reasons for the outcome.

The Complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of stage one.

### **Stage Two**

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with the National Assurance Quality and Compliance Manager.

**Post:** National Assurance Quality and Compliance Manager Level 4, 570 St Kilda Rd, Melbourne 3004.

**Email:** National Assurance Quality and Compliance Manager,

The Complainant's appeal will be reviewed within 10 working days of being received, and determination made by the National Quality Assurance and Compliance Manager who is a totally independent person not associated with the training function.

The National Quality Assurance and Compliance Manager will give the Student the opportunity to meet if they wish to do so, and to be accompanied and assisted if desired.

The National Quality Assurance and Compliance Manager will conduct all necessary consultations with the Complainant and other relevant persons and where necessary discuss the matter with the members of the Complaints Committee so as to make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision, within 10 working days.

The Complainant will be advised of their right to progress to stage three of the grievance procedure if they consider the matter unresolved.

### **Stage Three**

If the Complainant is not satisfied with the outcome of stage two they may request that the matter be referred to an external dispute resolution body appointed for this purpose by BAA.

BAA will source an independent mediator through Resolution Institute – an association of Dispute Resolution specialists.

The contact details for LEADR are:

Level 1 and 2, 13 – 15 Bridge Street  
SYDNEY NSW 2000

Phone: 02 9251 3366

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

## Overseas Students Ombudsman

The Overseas Students Ombudsman investigates complaints about problems that International Students on a Student Visa or prospective International Students may have with private education and training and/or private education and training Providers in Australia. If Students are unsatisfied with the BAA complaints and appeals process, they may lodge a complaint with the Overseas Students Ombudsman.

The Ombudsman:

- Provides a free service;
- Is independent and impartial (it doesn't represent either International Students or Providers);
- Can make recommendations that arise out of investigations; and
- Is a function of the Commonwealth Ombudsman.

Contact details for the Overseas Students Ombudsman are:

- Website: <http://www.ombudsman.gov.au/How-we-can-help/overseas-Students>
- Call: 1300 362 072 (within Australia) | Outside Australia +61 2 6276 0111
- Postal: GPO Box 442, Canberra ACT 2601, Australia
- Enquiries: Monday to Friday 9:00am-5:00pm (AEST). Online Complaint Form

## Request for External Review by Overseas Students Ombudsman

- Update the Complaints and Appeals Register.
- Personally discuss with the Chief Executive Officer and General Manager- National Operations.
- Relevant management team member is to contact Overseas Student Ombudsman and liaise as required.
- Attend external review meeting(s) as required.
- Document the process throughout keeping the complaints file updated.
- Once resolved, provide the client and any other relevant person with a copy of the Overseas Student Ombudsman determination.
- Update file as required i.e. Complaints and Appeals Register, Student file and, if relevant, staff file(s).
- The complaint file must be stored and retained for five (5) years.

## Reporting to the Department of Education and Training (DET) and Department of Home Affairs (DHA)

The National Code 2018 requires that when a Student's external appeal is against BAA's decision to report the Student for unsatisfactory course progress, BAA must maintain the Student's enrolment (e.g. not report the Student for unsatisfactory progress) until the external complaints process is complete and has supported the Provider's decision to report before notifying the Department of Education and Training (DET) and Department of Home Affairs (DHA) through PRISMS of the change to the Student's enrolment.

BAA must wait for the outcome of the external process in this case as reporting a Student for unsatisfactory progress has serious consequences for the Student's Visa; although automatic Visa cancellation no longer exists, DHA may still cancel a Student's Visa at their discretion.

If the Student's external appeal is against BAA decision to:

- Defer or suspend a Student's enrolment due to misbehaviour, or
- To cancel the Student's enrolment

BAA only needs to await the outcome of the internal appeals process (supporting the Provider) before notifying the DET and DHA through PRISMS of the change to the Student's enrolment.

Once DET and DHA have been notified of a deferment, suspension or cancellation of a Student's enrolment via PRISMS, the Student has twenty-eight (28) days in which to:

- Leave Australia;
- Show DHA a new Confirmation of Enrolment (CoE); or
- Provide DHA with evidence that he or she has accessed an external Appeals process.

In cases where BAA has reason for concern for the welfare of the Student or those with whom the Student may come into contact, the Provider can cancel the Student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the CEO will make the final decision and inform Student Support Services Officer- Team Leader (or suitable alternative) who will then issue formal correspondence and report to the DET and DHA through PRISMS.

The 'extenuating circumstances' option covers situations where a Student's behaviour has led BAA to fear for the safety and wellbeing of the Student and/or people the Student may encounter. In this case, BAA may cancel the Student's enrolment without having to wait for the outcome of the internal appeals process. However, the Student can still appeal from his or her Australian residence or home country. Once BAA notifies the DET and DHA of the cancellation of a Student's enrolment through PRISMS, the Student has twenty-eight (28) days in which to find alternative enrolment or to return to his or her home country. If the Student secures enrolment with another Provider within the twenty-eight (28) days, the Student may commence studies with the new Provider. If the Student does not secure alternative enrolment or return home within twenty-eight (28) days, the Student's Visa may be cancelled. (Please note that cancelling a Student's enrolment does not always lead to automatic cancellation of the Student's Visa. DHA may contact a Student to explain the circumstances relating to the cancellation of the enrolment and may cancel a Student's Visa subsequent to this happening).

Under the National Code 2018, the Student has the right to appeal with BAA if he or she wishes to do so, whether still in Australia or in the home country. BAA must notify the Student of its intention to cancel the Student's enrolment prior to notifying DET and DHA through PRISMS of the cancellation. If BAA notifies DET and DHA through PRISMS that it is cancelling a Student's enrolment for disciplinary reasons, the Student has chosen to access the appeals process but the appeals process has not been completed, PRISMS will ask BAA if extenuating circumstances apply. If BAA chooses 'Yes', a dialogue box will pop up containing the following text:

'You are reminded that, even though you may report now because extenuating circumstances exist, this Student must still be given the opportunity to appeal your decision to suspend or cancel the enrolment.'

If BAA then clicks 'OK', a free text box will appear so Providers can enter the details of the extenuating circumstances.

## Related Documents

- Continuous Improvement Policy and Procedure;
- Monitoring and Review Policy and Procedure;
- Partnership Arrangements Policy and Procedure;
- Records Management Policy and Procedure;
- Governance Management Policy and Procedure;
- Marketing and Promotion Materials Policy and Procedure; and
- Assessing Enrolment Application Policy and Procedure.



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