



## Complaints and Appeals Policy 2017

<b>Policy Owner</b>	Principal/Associate Dean
<b>Contact Officer:</b>	Compliance Manager
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<b>Approved by:</b>	ACBT Senior Management Team (16 /06/2017 ); Quality Assurance Unit (17/5/2017 )
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<b>Related Policies:</b>	Attendance Policy Privacy Policy Progress and Graduation Policy Refund Policy
<b>Related Forms:</b>	Appeal of Final Results (Diploma & Advanced Diploma) Form Complaints and Appeals Request (Formal) Form

### 1. Overview

- 1.1. This policy has been developed to ensure all current and prospective students of ECC and ACBT are given access to free, effective and fair complaints resolution and appeals processes.
- 1.2. There are two similar (but separate) processes depending on whether the complaint or appeal is related to:
  - Academic matters (refer to section 5.1);
  - Non-academic matters (refer to section 5.2) or;Section 5 sets out the valid grounds and procedures for each type of complaint or appeal.
- 1.3. This policy has been developed in line with requirements set out in the Australian HEP Guidelines (amendment effective January, 2007) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007).
- 1.4. Appendix 1 provides a summary of the correct form to submit for each stage of the process.

### 2. Organisational Scope

- 2.1. Any current or prospective student of ECC or partner provider (ACBT) who experiences incorrect, inappropriate or unfair treatment in the course of their relationship with ACBT is entitled to access the complaints and appeals process set out in this policy, regardless of the location of the campus at which the matter has arisen, the student's place of residence or the mode in which they study.
- 2.2. Grievances experienced by ACBT staff are to be dealt with according to the terms set out in the ACBT Contract.

### 3. Definitions

- 3.1. **Appeal:** In this context, an appeal relates to a request to review a decision or outcome relating to any aspect of a student's results, conditions of enrolment, academic progress or enrolment.



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- 3.2. **Complainant:** A person lodging a complaint or appeal.
- 3.3. **HEP Guidelines:** Guidelines for Higher Education Providers set down by the Department of Education, Employment and Workplace Relations (DEEWR) to ensure compliance with the Higher Education Support Act (HESA), 2003.
- 3.4. **Institution:** relates to either ECC or its partner provider
- 3.5. **Overseas Students Ombudsman (OSO):** Independent office that acts as an independent third party to assist in settling complaints and appeals between international students and private registered education providers.
- 3.6. **Partner Provider** – refers to ACBT and student enrolled in the Diploma or Advanced Diploma courses as accredited by ECC
- 3.7. **Respondent:** A person responding to a complaint or appeal.

### 4. Policy Principles

- 4.1. The principles which underpin this policy are as follows:
  - 4.1.1. Consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respects the right of a complainant to be heard by an impartial party;
  - 4.1.2. Attempts will be made to resolve complaints and appeals as close to the source as possible;
  - 4.1.3. Complainants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints process;
  - 4.1.4. This complaints process does not restrict a student's or person's right to pursue other legal remedies;
  - 4.1.5. Staff will make all attempts to respond to complaints within the time limits set out in this policy;
  - 4.1.6. All procedures will be made available to the public on the ACBT website;
  - 4.1.7. Complainants and/or respondents have the right to be represented by a third person (such as family member, friend, counselor other professional support person other than a qualified legal practitioner) if they so desire;
  - 4.1.8. All communications arising from the complaints process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this Complaints and Appeals Policy.
  - 4.1.9. Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.
  - 4.1.10. No fee is payable by the complainant to formally present his/her case internally to any ACBT decision-maker or the Complaints and Appeals Committee.

### 5. Policy Content

#### 5.1. Academic Appeals

5.1.1. The Academic Appeals process is for matters which relate to:

- Assessment and results
- Student progress
- Conferral of Awards

If at any point, a student becomes dissatisfied in relation to these matters, they should commence Stage One (Academic) complaints procedures which are explained below.

Complainants who require assistance with preparing a written complaint or appeal may contact the ACBT Student Counsellor for support.

5.1.2. PIBT Students have access to a 4 stage complaints and appeals process as follows:

##### Stage One (Academic) - Informal

The first step is direct communication between complainant and lecturer (or respondent) to allow both parties to discuss their point of view and attempt to resolve the problem. The complainant should communicate the matter to relevant staff member in writing (via email) within 15 working days of results being issued, by lodging the *Appeal of Final Results* Form.

The complainant is entitled to request and receive from the lecturer (or respondent) a response giving reasons and full explanation for decisions and actions taken.

##### Stage Two (Academic) - Formal Academic Appeal Process

If, after undertaking Stage One, or in situations where Stage One is not possible, the complainant should lodge their appeal in writing (using the *Appeal of Final Results* form). Students who require help in preparing a written complaint may contact the Student Counsellor for assistance. The form should be submitted to the nominee stated within 15 working days of the issue becoming known. Within a further five working days, the nominee will explain the course of action to be taken and possible outcomes of the appeal.

5.1.3. To avoid any conflict of interest, where the Unit Coordinator has been involved at the informal stage, the matter must be referred to an independent and appropriate academic staff member to carry out Stage Two.

Within 15 working days of receipt of academic appeal, the nominee will provide the outcome of this review to both complainant and lecturer (or respondent) in writing.

##### Stage Three (Academic) - Appeals Committee

5.1.4. Where the complainant is unsatisfied with the outcome of Stage Two and believes that:

- they did not have enough opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided;

The complainant can lodge a written statement of their complaint with the Director of Student Services & Partnerships. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

NOTE: Any Stage Three Appeal must be based on the failure to comply with the process. A complainant cannot lodge a complaint to the Appeals Committee on the basis that he/she disagrees with the professional assessment of two academic staff.

The Appeals Committee consisting of the Director of Student Services & Partnerships, Academic Director and one other Director (or their nominees), will consider the complaint within 10 working days of receipt. The Committee may ask either the complainant or respondent (or both) to present their case in person to the Committee. All parties will be



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advised of the outcome in writing.

To avoid any conflict of interest, where a Director has been responsible for the decision being appealed or has been involved in the outcome of Stage One or Two, they must nominate another senior staff member to stand in their place on the Appeals Committee.

### Stage Four - External Agencies

Where the complainant is not satisfied with the outcome of Stage Three and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided;

They may request that the matter to be referred to ACBT's nominated independent appeals reviewer within 10 working days:

International students can lodge an external appeal with an external investigator [ganeshamoorthy@yahoo.com](mailto:ganeshamoorthy@yahoo.com)

The independent reviewer will review processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to ECC in 15 working days.

Stage	Submit to:	Time frame to Submit	Time frame for Response
1 – Informal appeal	Lecturer	15 working days	Email or Face-to-face
2 – Formal appeal	Nominee listed on Appeal of Results form	15 working days	5 working days to process info; 15 working days for outcome
3 – Appeals Committee	Director of Student Services & Partnerships	10 working days	10 working days
4 – External Appeal	Independent Appeals Reviewer	10 working days	15 working days

## 5.2. General (Non-Academic) Complaints

5.2.1. The General Complaints process is for matters which relate to:

- Customer services and administration
- Refusing admission to a course or cancellation of enrolment
- Marketing-related information or incorrect advice given by an education agent
- Course or provider transfers
- Facilities
- Fee payments, fee refunds and finance related matters
- Welfare
- IELTS service, course refund, etc. (not for complaints about test day processes or procedures or to appeal IELTS results)

If at any point, a complainant becomes aggrieved, they should commence Stage One complaints procedures as outlined in this policy.

Complainants who require assistance with preparing a written complaint or appeal may contact the Business Unit Coordinator for support.

5.2.2. ECC Students have access to a four stage complaints process as follows:

### Stage One (Non-Academic) - Informal

The first step is direct communication between the complainant and respondent to allow both parties to discuss their point of view and attempt to resolve the problem. A complainant should



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communicate the matter in writing to the relevant staff member within 15 working days of becoming aware of the problem by email to info@acbt.lk

The complainant is entitled to request and receive from the respondent a written response giving reasons and full explanation for decisions and actions taken within 10 working days.

### Stage Two (Non-Academic) - Formal Complaints Process

If, after undertaking Stage One, or in situations where Stage One is not possible, the complainant should lodge their complaint in writing by lodging a *Complaints and Appeals Request (Formal) Form* within 15 working days of the complaint issue becoming known. The complainant is invited to make an appointment to speak with the relevant Director to present their case in person. Students who require help in preparing a written complaint may contact the Coordinator - Business Studies for assistance. The form should be submitted to the Marketing Manager who will discuss options with the complainant to resolve the matter.

To avoid any conflict of interest, where the Marketing Manager has been involved at the informal stage, the matter must be referred to an independent and appropriate staff member to carry out Stage Two.

Within 10 working days of receipt of the complaint, the Director of Student Services (or nominee) will provide in writing the outcome to both complainant and respondent.

### Stage Three (Non-Academic) - Appeals Committee

Where the complainant is not satisfied with the outcome of Stage Two and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided;

The complainant can lodge a written statement of their complaint to the College Director/Principal. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

The Appeals Committee consisting of three independent Directors (or their nominees) will consider the complaint within 10 working days of receipt. The Committee may ask either the complainant or respondent (or both) to present their case in person to the Committee. All parties will be advised of the outcome in writing.

### Stage Four - External Agencies

Where the complainant is not satisfied with the outcome of the Stage Three and believes that at:

- they did not have enough opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided;

They may request that the matter to be referred to ECC's nominated independent appeals reviewer within 10 working days:

The independent reviewer will review the processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to ECC within 15 working days.

Stage	Submit to:	Time frame to Submit	Time frame for Response
1 – Informal appeal	Staff member	15 working days	10 working days
2 – Formal appeal	Marketing Manager	15 working days	15 working days
3 – Appeals Committee	College Director/Principal	10 working days	10 working days
4 – External Appeal	Independent Appeals Reviewer	10 working days	15 working days



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### 6. Administrative procedures

This policy and related documentation is accessible through the ACBT website at:

- 6.1. [www.learning.acbt.lk/forms](http://www.learning.acbt.lk/forms). The relevant ACBT forms can be downloaded from the portal (documents and forms) or a form request can be made at ACBT Reception. Records of all complaints and appeals will be kept for a period of five years. These records will be filed in student files and listed in a separate Complaints Register. These records will be under the responsibility of Director of Student Services & Partnerships.
- 6.2. Any recommendations for process improvement or policy change arising out of any stage of the complaints and appeals process will be forwarded the Senior Management team for recording and consideration.
- 6.3. This policy and related procedures will be communicated to staff via email, staff newsletter and ongoing staff information sessions. New staff will receive policy information during the induction process.
- 6.4. Students are advised of their rights/obligations through their Orientation Pack the Student Handbook and the ACBT website.
- 6.5. Recommendations arising from any external review of the Complaints and Appeals Policy or procedures should be implemented within 90 days of notification.



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### Appendix 1: Which form do I fill in?

ISSUE	Stage 1 (Informal)	Stage 2 (Formal)	Stage 3 (Appeals Committee)	Stage 4 (External Appeal)
Appealing Results	Meet with lecturer to discuss/review assessment	<b>Appeal of Results Form</b> (for independent reviewer)	Not applicable (unless Stages 1 + 2 are not followed). Students cannot appeal marks on the basis of disagreeing with mark/grades	<ul style="list-style-type: none"> <li>• Appeal to external agency (as per Stage 4 of relevant section in <i>Complaints and Appeals Policy</i>)</li> <li>• Students/complainants must work through internal processes (Stage 1, 2 and 3) before taking their case to the external agency.</li> </ul>
General Complaints	Any verbal complaint, email message or written letter	<b>Complaints and Appeals Request (Formal) Form</b>	<b>Complaints and Appeals Request (Formal) Form</b> Requires evidence of Stage 1 and Stage 2 complaint.  Requires evidence that ECC or ACBT have not followed their own policies/procedures or have breached applicable laws.	