

Complaints and Appeals Procedure

Document Name	Complaints and Appeals Procedure		
Approved by	PEO or delegate	Date	29/05/19
Responsible Officer	Director of Studies Student Services Manager		
This procedure applies to	ECA College and APIC Foundation (RTO Code 45012; CRICOS Provider Code 02644C) Australasian College of Care Leadership and Management (RTO Code 40829, CRICOS Provider Code 03637E) ECA Graduate Institute (RTO Code 91423)		
Related Documents	Complaints and Appeals Policy Continuous Improvement Policy and Register Student Enrolment Policy Student Handbook Assessment Policy Fees and Refund Policy and Procedure		
References and Legislation	Standards for RTOs 2015 – Clauses 6.1, 6.2, 6.3, 6.4, 6.5 The National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 10		
Version	Change description	Approved	Effective Date
v19.0	Updated for new logo and alignment with ECA Group.	PEO	01/06/19
v19.1	Update for ESOS act requirements	PEO	18/07/19

1. Purpose

At any point of time during their study a student (International or Domestic) may find themselves in a situation in which they feel they have a justified grievance relating to the policies and procedures of ECA Group, or in circumstances in which they have been wrongly represented and that ECA Group has acted in a manner contrary to their best interests without full and fair consideration of all circumstances, and in which they have found it impossible to resolve their grievance informally.

This procedure provides opportunity for complaints and appeals to be forwarded to ECA Group management in a timely and confidential manner

2. Scope

This procedure applies to international and domestic student (potential or actual) who are enrolled in Education Centre of Australia Pty Ltd (ECA Group) educational institutions including ECA Graduate Institute (EGI), ECA College (ECAC) and Australasian College of Care Leadership and Management (ACCLM), regardless of the location of the campus, the student's place of residence or the student's mode of study.

3. Definitions

Item	Definition
Appeal	<p>An Appeals can be initiated when a ECA Group decision made in relation to a student is seen by that student as being against their interests and in some way contestable. Such decisions potentially include:</p> <ul style="list-style-type: none"> ▪ an Intention to Report a student for unsatisfactory attendance or unsatisfactory. academic progress; ▪ an intention to suspend or terminate a student's enrolment for breaching the ECA Group Student Code of Conduct; ▪ not being able to secure and acceptable resolution (from the student's perspective) of a complaint through the informal and formal Complaints procedures; ▪ an application for a refund of tuition fees rejected; ▪ an application for a change of course rejected ▪ an application for a release letter to transfer to another registered provider rejected; or <p>a student having a PRISMS entry made which they believe is unjustified on grounds such as the availability, compliance and/or implementation of ECA Group policies and procedures</p>
Compassionate and Compelling Circumstances	<p>Circumstances which are generally beyond the control of the student and which have an adverse impact on the student's capacity and/or ability to:</p> <ul style="list-style-type: none"> ▪ commence their course on the scheduled start date, but within two weeks of that date, or to <p>attend scheduled classes for a significant period of time during the Term.</p>
Complaint	<p>A Complaint can be initiated when:</p> <ul style="list-style-type: none"> ▪ a student or staff member believes they have a legitimate concern relating to some aspect of ECA Group's facilities, and/or administrative, educational and/or student services procedures and/or delivery; and/or ▪ a student or staff member believes that there has been a breach of the ECA Group Code of Conduct by another party, and wishes to raise it as a complaint, notwithstanding the possibility to that matter being considered and treated as a "serious incident".
Course	A full-time registered program of education or training registered on CRICOS for the attainment of a testamur or certificate. Defined as course in the ESOS Act.
DHA	Department of Home Affairs
International Student	A person who holds an Australian Student Visa, and is an 'overseas student' as defined by the ESOS Act.
Study Period	A period within a Course duration made up by a sequence of Units of Competence taught and assessed (in a full 20 hours per week) over a period of 8 to 12 weeks depending on the course length.

4. Procedure

- 4.1. Apart from situations in which circumstances prevent it, the process of assessing student internal complaints and appeals will begin within 10 working days, be finalised as soon as practicable and the outcome of the appeal will be conveyed to the student by email from the Student management system.
- 4.2. Students with a grievance or complaint are encouraged to first seek an informal resolution by directly raising the matter with the person responsible. If desired, the persons involved may also seek the informal advice of appropriate third parties such as the welfare officer, a trainer or other staff member. Where these informal approaches resolve the grievance, the agreed adjustments and changes will be implemented at that level.
- 4.3. Where informal resolution is either unsuccessful or inappropriate, students can initiate the Formal Complaints procedure by reporting the matter in writing to the Lead Trainer, Director of Studies or equivalent. The formal complaints process is free and requires the student to include clear documentation, for example using the complaint form to record their complaint or appeal.
- 4.4. On receipt of a complaint, the ECA Group's Lead Trainer, Director of Studies or delegate will investigate the details and any attached documentation, complete the complaint form documentation and refer it and the associated materials to an appropriate investigating officer (varies depending on the nature/subject of the complaint). This must commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information, all reasonable measures are taken to resolve the process as soon as practicable.
- 4.5. In all cases, and especially in complaints relating to the conduct of staff, trainers and/or students, the investigation of complaints will be undertaken by the ECA Group Director of Studies or higher position and removed from the person identified in the complaint, either directly or indirectly. The Investigating Officer will:
 - Examine the complaint and associated documentation;
 - Interview the complainant and any other relevant people who are involved with the complaint (with all parties able to nominate an appropriate support person);
 - Where appropriate, facilitate negotiation and conciliation between the parties;
 - Allow the student to formally present their case verbally at which they may be accompanied or assisted by a support person;
 - Make a recommendation for resolving the complaint; and
 - Clearly document the complaint and pass all information on to the ECA Group's Lead Trainer and/or Director of Studies to make a decision and respond to the student's complaint in writing.
- 4.6. On receipt of the complaint and the investigating officer's recommendations, the ECA Group's Lead Trainer and/or Director of Studies will review the case and recommendations and make a decision to:
 - Endorse a conciliated/negotiated resolution;
 - Resolve the complaint in favour of the complainant
 - Dismiss the complaint on the basis that it is unsupported by the evidence provided and as such unfounded.
- 4.7. The appropriate person (as above) will notify the complainant of their decision in writing, providing:
 - The reasons for the decision;
 - Information relating to any actions to be taken by all parties as a result of the decision; and
 - Information informing them of the right of either the complainant or respondent to make a formal Internal appeal against the decision.
- 4.8. The ECA Group's Lead Trainer and/or Director of Studies will also identify potential causes of the complaint and will take appropriate corrective action to eliminate or mitigate the likelihood of

reoccurrence. It is expected that this process will be completed in a timely fashion, normally within ten (10) working days.

4.9. Where the appropriate person (as above) considers that more than 60 calendar days are required to process and finalise the complaint, they will:

- Inform the complainant in writing, including the reasons why more than 60 calendar days are required, and will
- Regularly update the complainant on the progress of the matter.

4.10. All formal complaints and decisions made by ECA Group staff or their partnering organisations will be documented and recorded in the student's file and stored in a secure location within ECA Group's environment. The record will include the reasons for the decisions.

5. Unsatisfactory Complaint Resolution – External appeal process

5.1. If the student feels that their complaint was not resolved satisfactorily by ECA Group, the respondent will inform the student within 10 working days:

- That if they are dissatisfied with the decision/outcome, they have a right to appeal and enter the external appeals process within twenty (20) working days from the receipt of the letter;
- Of the possible grounds for an external appeal
- For an International Student, their right to submit an external appeal to the Overseas Students Ombudsman;
- Domestic students may appeal to the National Training Complaints Hotline on 13 38 73 or by email <https://www.education.gov.au/email-complaints>

5.2. If a student appeals against the decision/outcome, ECA Group will determine whether to implement its original decision after the internal appeal outcome is determined. Should the original decision be implemented, and the appeal is subsequently determined in favour of the student, ECA Group will reverse its implementation.

5.3. Where the external appeal process results in favour of the student and against the ECA Group decision, The ECA Group will immediately implement the decision and take preventative action required by the decision and inform the international student of the actions.

6. International Students Appeals

6.1. The ECA Group's Complaints and Appeals Procedures are designed to resolve situations where an ECA Groups decision made in relation to a student is seen by that student as being against their interests and in some way contestable. Such decisions potentially include:

- An International student being sent an Intention to Report Letter for unsatisfactory attendance (see ECA Group's Attendance Policy and Procedures);
- An International Student being sent an Intention to Report Letter for unsatisfactory academic progress (see ECA Group's Course Progress Policy and Procedures);
- A student being notified of an intention to suspend or terminate their enrolment as a result of their breaching the ECA Group's Student Code of Conduct (Student Handbook);
- A student not being able to resolve a complaint (from the student's perspective) through the informal and formal complaints procedures;
- A student having their application for a release letter to transfer to another registered provider rejected;
- A student having an application for a refund of tuition fees rejected;
- A student having their application for a change of course rejected;
- A student having their application for leave of absence rejected; or
- A student having their application for course credit rejected.

6.2. Submitting Internal Appeals

The ECA Group's appeals procedures can be triggered by a student seeking to prevent or reverse an action by the ECA Group which is viewed by the student as invalid or unjustified, including:

- An International Student being sent an Intention to Report Letter for unsatisfactory attendance (see ECA Group's Attendance Policy and Procedures);

- An International Student being sent an Intention to Report Letter for unsatisfactory academic progress (see ECA Group's Course Progress Policy and Procedures);
- A student being notified of an intention to suspend or terminate their enrolment as a result of their breaching the ECA Group's Student Code of Conduct;
- A student not being able to secure an acceptable resolution (from the student's perspective) of a complaint through the informal and formal complaints procedures;
- A student having their application for a release letter to transfer to another registered provider rejected;
- A student having an application for a refund of tuition fees rejected;
- A student having their application for a change of course rejected;
- A student having their application for leave of absence rejected; or
- A student having their application for course credit rejected.

7. Breach of Code of Conduct

7.1. When a student is sent an Intention to Suspend/Cancel Enrolment letter informing them that the ECA Group intends to either suspend or cancel their enrolment due to the student breaching the ECA Group's Student Code of Conduct that letter will inform them of:

- For an International Student, the intention to report them;
- The reasons for this;
- Their right to appeal within twenty (20) working days from the receipt of the letter;
- How to enter the appeal process; and of
- The possible grounds for an appeal, namely that:
 - The ECA Group has not made the relevant policies and procedures and requirements available to the students; and/ or
 - The ECA Group has not measured/recorded the relevant requirements correctly, and had thereby made a demonstrably wrong decision; and/or
 - The ECA Group has not implemented its procedures in accordance with its published policies and procedures; and/or
 - Demonstrable and previously unconsidered compassionate and/or compelling reasons significantly contributed to the student's situation.

7.2. Depending on the severity of the breach of the Code of Conduct, the ECA Group will either:

- Hold any implementation of its original decision/outcome for the period of any Internal and, if that process ends in a decision against the student, any subsequent external appeals process; or
- Immediately implement the intended suspension/cancellation of enrolment.

7.3. A student who enters the appeals process and whose enrolment is not immediately suspended/cancelled will be expected to continue to meet all course attendance and progress requirements throughout the appeals processes.

7.4. If a student fails to submit an appeal within 20 working days of receiving the Intention to Suspend/Cancel Enrolment letter or appeals and then withdrawals from the Internal Appeals process before its resolution, ECA Group will implement its original intention.

8. Rejection of Application

8.1. When a student's application for:

- Leave of Absence
- Course Withdrawal and Release Letter
- Refund of Tuition Fees
- Change of Course Preference, or
- Application for Course Credit-

is rejected, the student is sent notification informing them of the decision and:

- The reasons for the decision;
- Their right to appeal against the decision;
- The possible grounds for an Internal Appeal; and

- The procedure for lodging an Internal Appeal by submitting a completed Student Appeal Form along with relevant supporting documentation.
- 8.2. If a student fails to submit an Internal Appeal within 20 working days of receiving Complaint Outcome letter or appeals and then withdraws from the appeals process before its resolution, or if the appeal is rejected, the ECA Group will maintain it the original decision/outcome.
- 8.3. If a student appeals against the decision/outcome, and the appeal is successful, the ECA Group will reverse it original decision and act in accordance with the determination.
Students will be expected to continue to meet all course attendance and progress requirements throughout the appeals processes.

9. Processing Internal Appeals

- 9.1. The internal appeals process will commence within 10 working days of receipt of the complaint or appeal form and be processed within 20 working days where ever possible, with the appellant being informed by the close of business on the twentieth day. If, for unavoidable reasons, the investigation of an internal appeal is delayed due to lack of information or other, and the appeal cannot be resolved within twenty working days, the appellant will be notified of this and advised when the outcome will be communicated to him/her.
- 9.2. The ECA Group General Manager is ultimately responsible for the coordination and management of all internal appeals.
- 9.3. All internal appeal forms will be submitted by the student to the ECA Group Student Services Officer for initial registration and referral for investigation. This entails:
- Attaching a Complaint and Appeal Form, and completing first section of the form, entering the student's name, student number, the date on which the complaint was lodged, the deadline date for the Response to the Appeal, and the type of appeal;
 - Informing (in person or by telephone call or email) the student that they have a right to make a personal representation of their case to the responsible officer, and that they have a right to be accompanied by a support person at such a meeting;
 - Referring the appeal along with the Complaint and Appeal Form to the responsible investigation officer to complete the Complaint and Appeal second section of the form.
- 9.4. The designated responsible investigating officer will be the appropriate staff member for the area in which the complaint has been made. The responsible investigating officer will:
- Gather relevant information and documents;
 - Make a preliminary evaluation of the materials (for example, checking the validity of medical certificates);
 - Enter the relevant information in the Complaint and Appeal Registration Form;
 - Refer the appeal to the ECA Group Director of Studies or other appropriate staff member;
 - Where necessary, the investigating officer will source information from other staff; and
 - Send all documentation to the Lead Trainer or DOS for review.
- 9.5. If a student decides to take up the opportunity to make an in-person presentation of their case (with or without a support person being present), the ECA Group Director of Studies (or the appropriate staff member) will:
- Facilitate that meeting at a time and place mutually agreeable to both parties;
 - Conduct the meeting, ensuring that minutes are taken;
 - Document all relevant information and insert it in the student's file and/or on the student management system;
 - Forward relevant documentation and the meeting minutes to the ECA General Manager where applicable.
- 9.6. The responsible staff member will then:
- In conjunction with the ECA Group Quality Assurance team, formulate a recommended outcome and related action;
 - Document the action appropriately; and

- Refer the appeal to the appropriate senior manager for final resolution.
- 9.7. For Code of Conduct related appeals, the appropriate staff member's (as above) recommended decisions and supporting reasons will be referred to the ECA Group's Director of Studies who carries responsibility for determining the outcome of internal appeals relating to breaches of the Code of Behaviour.
- 9.8. The ECA Group General Manager will:
- Confirm that all necessary steps have been taken;
 - Evaluate the available material pertaining to the appeal;
 - Decide on the final determination;
 - Document the decision and the reasons for the decision appropriately; and
 - Refer the appeal documents to the ECA Group's Student Services.
- 9.9. The ECA Group's Student Services Officer will:
- Inform the student appropriately and make an entry in the student's file and/or student management system;
 - Make soft copies of all the appeal documents and save them in electronic format in the appropriate location; and
 - File hard copies of all the appeal documents in the student's file.
- 9.10. If the internal appeal is successful, documentation must be provided to indicate that the appeal has been successful and advise the student to maintain satisfactory attendance and academic performance and requiring them to make an appointment with the ECA Group's Director of Studies to sign an agreement/plan designed to ensure that the student maintains satisfactory attendance, maintains satisfactory academic progress and completes their course in the normal time.
- 9.11. If a student's internal appeal is approved, the reason for the approval will be conveyed by the Student Services officer to both the ECA Group Director of Studies and the responsible investigating Officer so that any required corrective action/s can be identified and implemented.
- 9.12. If the Internal appeal is rejected, documentation must be provided to advise the student of the grounds for the rejection, and advise them of their right to external appeal to the Overseas Students Ombudsman, and indicating that if nothing is heard from the student within 10 working days of student being informed, the original/intended decision/action will be implemented. The student will be requested to inform the ECA Group's Student Services Officer if they decide to make an external complaint/appeal, with attached documentary evidence of their lodging the complaint/appeal.
- 9.13. If a student lodges an external appeal against a decision made by ECA Group to reject their appeal and to report them for either unsatisfactory attendance or unsatisfactory academic progress, implementation of the original/intended decision/action will be deferred for as long as the external appeal process takes, and the student will be informed of his/her obligations to maintain attendance and academic performance for that period.
- 9.14. In all matters not related to attendance or academic progress where the ECA Group decides against a student's internal appeal, the student will have the same right to an external appeal, but ECA Group will implement its decision as soon as the student is notified.
- 9.15. At all times through any appeals procedures the student's file and electronic record will be promptly updated to include the outcome of any appeals process, and any subsequent actions. Students who are reported via PRISMS will be sent a letter to their last known address notifying them that they have been reported and advising them to contact DHA in relation to possible implications for their student visa.
- 9.16. If a student remains dissatisfied with these appeals policies and procedures and/or the outcome of these procedures, they can contact Australian Education International (AEI) through the ESOS online enquiry form or through the ESOS enquiries phone number 1300 615 262, but only if the student believes that the provider's appeals process was not conducted correctly or that the provider did not make the appeals process available to the student.

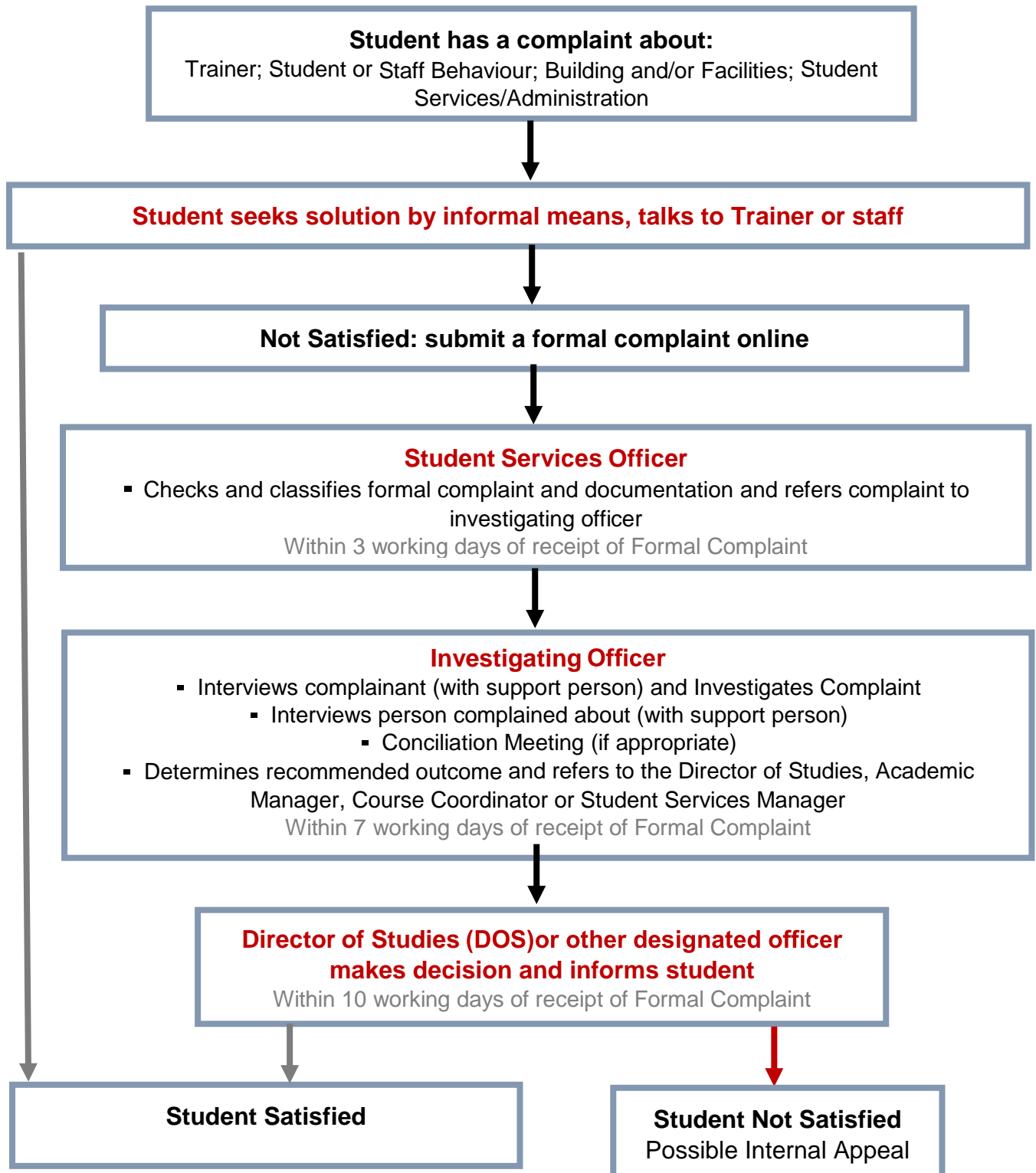
10. Compassionate and compelling circumstances

- 10.1. On application, and with sufficient professional documentary and professional evidence, students may be professionally judged as having compassionate and/or compelling reasons for their failure to enrol on time and/or attend scheduled classes.
- 10.2. When determining whether or not compassionate and/or compelling circumstances exist, the ECA Group will consider documentary evidence provided to support the claim, and copies of such documents will be kept, together with a record of the decision and the basis for the decision, in the student's file, and recorded in the student management system and reported to ECA Group for recording in PRISMS.
- 10.3. In determining whether or not compassionate and/or compelling circumstances exist, ECA Group will follow the requirements set down in ESOS National Standard 13 Deferment, Suspension or Cancellation of a Student During Enrolment and ECA Group's Policies and Procedures relating to those requirements (see ECA Group Deferment, Suspension or Cancellation Policies and Procedures).

11. Review and Continuous Improvement

- 11.1. The ECA Group is committed to ongoing monitoring and improvement of its policies and procedures, and to this end has an integrated strategy including:
 - The ECA Group Management Team conducting reviews of specific elements of the appeals policy and procedures when an appeal is upheld and thereby indicating a possible problem to be addressed. This will then be referred to the ECA Group General Manager and/or the Management Review Committee for approval.
 - Staff at the institution with responsibilities relating to the managing of appeals being encouraged to submit any concerns about, and suggestions for making improvements to the appeals policies and procedures to the appropriate Manager in the college who is responsible for ensuring that appropriate responses are reported to the ECA Group for development.
 - The Management Team will review and debrief after the complaint and/or appeal concludes. All information will be documented to provide ways of continuous improvement within ECA Group to prevent similar complaints and appeals from reoccurring. The ECA Group will look at additional training to staff and implement support mechanisms if required.
 - The Management Team conduct and manage an annual review of all ECA Group's policies and procedures relating to the ESOS National Code, and an annual review of the written Policy and procedures documents, both of which may lead to modifications and improvements.
 - The ECA Group Quality Assurance team monitor legislative and regulatory changes to ensure that policies and procedures are updated and fully compliant with the National Code.

Student Complaints Flowchart



Student Internal Appeal Flowchart

