



INSTITUTE OF SCIENCE MANAGEMENT & TECHNOLOGY

Complaints and Appeals Policy & Procedure

Institute of Science Management and Technology has a defined complaints and appeals process that will ensure students' /Learners' complaints and appeals are addressed fairly, effectively and efficiently. Furthermore, learners, trainers, assessors, other RTO staff and stakeholders will have a public access to Complaint and Appeal forms, policies and procedures. Additionally, all learners will be provided appeal forms with the "*Learner Assessment Guide*" to ensure that learners have necessary forms to appeal against assessment decisions and procedural matters. Complaints and Appeal forms along with the policy and procedures are also available on the RTO website, 'www.ISMT.edu.au. Furthermore, all complaints and appeals are documented in complaints and appeals registers respectively.

ISMT will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services.

Responsibility

The CEO is responsible for implementation of this procedure. The CEO will ensure that staff and students are made aware of its application. ISMT strives to ensure that each learner is satisfied with their learning experience and outcomes. In the unlikely event that this is not the case, all Learners have access to a rigorous, fair and timely complaint and appeal processes. All complaints and appeals will be reviewed as part of the continuous improvement process and where corrective action has been highlighted while achieving resolution during RTO monthly meetings, it will be implemented as a priority.

All complaints and appeals will be reviewed at Institute of Science Management and Technology during monthly management meetings. Continuous improvement procedures may be actioned when the complaint / appeals procedure results in identification of factors appropriate for improvement to internal operations. When the initial causative factor of the complaint identifies a problem with the current policies and / or procedures of Institute of Science Management and Technology, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem. Corrective actions will be documented appropriately. If the outcome of a student's appeal through a provider's internal or external complaints and appeals handling process is favourable to the student, Institute of Science Management and Technology will immediately advise the student of this and implement the required corrective and preventive actions.

Note: All complainants/appellants are to follow the appropriate code of conduct and procedures whilst communicating with the relevant staff to make a complaint or appeal. Students can ask the student support team any question during the grievance resolution process.

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Student Enrolment during complaint and appeals

Institute of Science Management and Technology will maintain the student's enrolment while the complaints and appeals process are ongoing. However, the class attendance will be ascertained only on individual basis. All students are encouraged to maintain their usual course progress and attendance during the resolution period unless advised otherwise. While the resolution is being achieved, the provider does not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

The following documents will be used to implement complaints and appeals policy and procedure:

- The Complaint Form
- The Appeal Form
- Complaint & Appeal Feedback Form
- Complaint Register
- Appeal Register
- Corrective Action Report
- Continuous Improvement Register
- Complaint & Appeal Policy and Procedure
- National Code: Standard 10
- Standards for Registered Training Organisations (RTOs) 2015 (User Guide, Standard 6)

Students will not incur **costs** in accessing the College's complaints and appeals process internally and through independent party (i.e., **Student Mediation Scheme**).

Complaints and appeals - Standard 10 (National Code 2018)

10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

10.2 The registered provider's internal complaints handling and appeals process must:

10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally

10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services

10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable

10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings

10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner

10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome

10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.

10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

COMPLAINTS

Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise. A complaint may be in relation to another student, RTO staff, RTO management or any matter in relation to studying at Institute of Science Management and Technology or a third party delivering services on Institute of Science Management and Technology's behalf. However, the College does not have any agreement with third-parties for the student recruitment and delivery of training and assessment.

All formal complaints must be submitted in writing (i.e., by filling out the Complaint Form). Institute of Science Management and Technology has ensured that complaints forms are easy to read and complete.

Information obtained through the complaint form allows the RTO to manage and respond to allegations involving the conduct of:

- ✓ the RTO, its trainers, assessors, RTO staff and other parties involved
- ✓ a learner of the RTO

Complaint Resolution Time

The RTO will respond to all complaints within **30 calendar days** of the receipt. After receiving a written complaint or appeal, the College will begin the resolution process within **10 calendar days** of the provider receiving the formal written lodgement of the complaint or appeal.

Complaint Resolution Outcomes

Institute of Science Management and Technology will provide a **written statement** of the outcome including details and reasons for the decision.

College Complaint Resolution Committee

The RTO Manager will convene the complaint committee. The complaint committee will consist of a panel of members with no previous involvement or vested interest in the outcome of any complaint. Members of the committee should include:

- ✓ A representative of Institute of Science Management and Technology. management
- ✓ A Institute of Science Management and Technology. training staff member
- ✓ A person not directly involved in providing the services for which students are raising their concerns

Although, the complaint committee will have an independent member, the RTO will provide an independent review (i.e., external to the RTO) for the complaint if requested in writing and when the internal complaint and appeal process is exhausted.

Resolution Outcomes

The College complaint and appeal resolution committee will inform all parties involved of the outcome in **writing** or via email.

Although the RTO will try to resolve all complaints and appeals within **30 Calendar days**, for complaints with added complexity, and for example, in the instance where the review is conducted by independent parties, the resolution may take longer, hence, all learners will be notified in writing if the resolution of complaints will take longer than **60 calendar days**. Also, the reasons for the delayed temporal course of resolution will be provided in writing to the complainant. Gamma Education & Training's management will maintain the complaints register to document the course of action and resolution of all formal complaints. All complaints including feedback substantiated by the complaints procedure will be reviewed as part of the Institute of Science Management and Technology's continuous improvement procedure.

Independent resolution of complaints and appeals

The Institute will encourage the parties to approach a complaint or appeal with an open view. We will attempt to resolve problems through discussion and conciliation and formal internal processes. Where a complaint or appeal cannot be resolved through discussion and conciliation and internal review, we acknowledge the need for an appropriate **external** and independent agent to review the process implemented by the Institute by involving Mediation agency. The College has arrangements with Student Mediation Scheme, infoaus@resolution.institute. However, to avoid fees the student is encouraged to access Resolution Institute through Institute of Science Management and Technology. The RTO will provide an independent review (i.e., external to the RTO) for the external mediation *only if requested in writing*.

Institute of Science Management and Technology is the member of the **Student Mediation Scheme** availing the following services:

- Appointment of a mediator;
- Arranging a mutually convenient date and location for any preliminary conference and the mediation;
- Arranging the mediation venue and any teleconference for the preliminary conference, if applicable;
- Notifying the parties and the mediator of the arrangements;
- Providing each of the parties and the mediator with the documentation necessary to conduct the mediation.

It is the responsibility of Institute of Science Management and Technology's management to ensure adherence to the external review of complaint and appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting Learners with the appeal procedure and supply of appeal forms. The RTO support staff is happy to assist you in filling out the external mediation Form.

Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action can contact the Solicitor at their own expense:

Contact a solicitor; for example, *Corney and Lind Education Lawyers*, enquiry@corneyandlind.com.au, (07) 3257 7890

How to discuss complaint informally?

At first the student can discuss a grievance informally by approaching the relevant person. If the student is happy with the resolution provided, complaint process will stop here and staff member will note down the resolution and will document it in the continuous improvement register. Examples of such complaints might be, untidy class rooms, kitchen or other facilities, college computers' problems, or fight among two students and other day-to-day matters that can simply be resolved when brought into the attention of the College's staff. In some cases, the informal resolution

and a mediated solution will be inappropriate. For example, if the institution has failed to follow its own policies and procedures, this type of complaint will be a subject to Formal lodgement, and in most cases, will be resolved independently. Each party may be accompanied and assisted by a support person at any relevant meetings.

How to lodge a Formal complaint?

It is a normal procedure that all *formal complaints* are lodged in writing by filling out the Complaint Form. The Complaint form is available on the College website, www.ISMT.edu.au, to all persons (i.e., RTO staff, trainer/assessor, the learner, stakeholder) wishing to make a complaint. If required, the RTO staff will assist you in filling out the form. Each party may be accompanied and assisted by a support person at any relevant meetings.

After being in receipt of the complaint form, complainants will receive an acknowledgement email that the complaint has been received by the RTO staff. Complainants will receive the final resolution outcome by way of writing within **30 Calendar days**. Learners will be informed by way of writing if the resolution will take longer than **60 calendar days**.

How to access Independent resolution of complaints and appeals

If the learner is still not satisfied with the resolution of the complaint after exhausting the formal lodgement procedure, the learner may choose to go through external mediation process the College has in place by way of writing.

If the overseas student is not successful in the ISMT's internal complaints handling and appeals process, the overseas student will be advised within **10 working days** of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at no cost. The registered provider will give the overseas student the contact details of the appropriate complaints handling and external appeals body.

If the student is still unsatisfied with the external review

Students can contact ASQA and lodge a written complaint against the RTO.

The student can contact the Department of Education through the ESOS online enquiry form or through **the ESOS helpline 02 6240 5069**. The RTO may provide further information upon inquiry in relation to this.

Availability of Student Support in Lodging Complaints

Students will be given adequate information about the complaints and appeals processes during their orientation programme. When the student is lodging a complaint or appeal, student support officer or Course Coordinator will help the student in providing all necessary information required for lodgement and resolution. More details are provided in the procedure section of the policy and procedure.

APPEALS

Appeals are different from complaints which may comprise for example, appeal against recording assessment results inaccurately, receiving a failing grade in a unit of competency, refusal of fees refund, refusal of grant of release letter, appeals against notification of an intention to report a student to DIBP, suspension, cancellation and deferment of study and other decisions taken by the College affecting the student.

An appeal may be in relation to any decision made by Institute of Science Management and Technology that impacts the student. The Institute of Science Management and Technology's appeals process is concerned with the learner's right to request a change to decisions or processes of an official nature, usually in relation to academic or procedural matters. Also, assessment decisions include RPL

assessment decisions. The student will not incur **costs** when accessing the internal appeals process unless they seek representation.

Student has up to **20 working days** to lodge a formal appeal after an apparently unfavourable decision by the college. Each party may be accompanied and assisted by a support person at any relevant meetings.

The following matters must be lodged via a formal internal appeals within **20 working days** of notification of an intention to report the student to Department of immigration and border protection (DIBP) in order to be considered by the Institute.

- Deferral of commencement, suspension or cancelling a student enrolment
- Not achieving satisfactory course progress

College Appeal Committee

The appeal committee will consist of a panel of members with no previous involvement or vested interest in the outcome of the particular appeal. Members of the committee should include:

- ✓ A representative of Institute of Science Management and Technology. management
- ✓ A Institute of Science Management and Technology. training staff member
- ✓ A person not directly involved in providing the services for which students are raising their concerns

Appeal Resolution Time

The RTO will respond to all Appeals within **30 calendar days** of the receipt. After receiving a written appeal, the College will begin the resolution process within **10 calendar days** of the provider receiving the formal written lodgement of the appeal.

Appeal Resolution Outcomes

Institute of Science Management and Technology will provide a **written statement** of the outcome including details and reasons for the decision. All appeals will be reviewed at the monthly management meeting and, if appropriate, result in a continuous improvement process. Continuous improvement procedures may be actioned when the appeal procedure results in identification of factors appropriate for improvement to internal operations. When the initial causative factor of the appeal identifies a problem with current Institute of Science Management and Technology's policies and / or procedures, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem.

How to lodge an appeal?

Learners will receive Appeal related information and forms with the Learner Assessment Guide, and are published on the RTO website. All learners or candidates wishing to make an appeal or any other manner of objection in relation to the decision (e.g., assessment marking) of Institute of Science Management and Technology have access to the following procedure:

STEP 1. Informal appeal:

An initial appeal will involve the appellant communicating directly with Institute of Science Management and Technology's assessors/trainers/relevant staff verbally or by email. Gamma Education & Training Pty Ltd. management will make a decision, discuss their judgement with the appellant and record the outcome of the appeal.

Learners / Candidates dissatisfied with the outcome of Institute of Science Management and Technology's decision may initiate the formal appeal's procedure.

STEP 2. Formal complaint/ appeal:

- In case of *formal appeal* against assessment marking, all learners are required to wait at least **24 hours (cooling off period)** before they can appeal the assessment decision.
- It is a normal procedure that all formal appeals proceed only after the initial informal appeal (accept for an intention to report the student to DIBP)
- The formal appeal is to be submitted in writing by way of filling out the Appeal Form,
- After receiving the written appeal, the RTO will notify learners acknowledging the receipt of the appeal via email.
- the RTO Manager will convene the appeal committee to reach a resolution,
- The RTO appeal committee will reach a decision on the appeal after careful considerations
- Learners/ students/ candidates will be informed in writing of the outcome within **(30) calendar days** of lodging the appeal. If the resolution takes longer than **60 calendar days**, appellants will be notified in writing by explaining reasons for the delayed temporal course of resolution. The College will try its best to resolve the appeal as soon as practicable.

The formal notice of appeal is required to comply with the following principles upon submission to the RTO management:

- The notice of appeal should be made in writing, addressed to Institute of Science Management and Technology for referral to the management team and submitted within (20) working days of College's decision. The appeal form is available on the RTO website, **www.ISMT.net.au**, can be requested by email. Also, appeal forms are given to learners with the Learner Assessment Guides.
- The notice of appeal must be submitted within the specified timeframe otherwise the original result will stand. If the learner's appeal needs to be deferred due to emergency, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to the RTO management via email (**lambdaeducationau@gmail.com**). The notice of deferral must be submitted within (7) calendar days of the conclusion date displayed on the medical certificate.
- Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be covered by the student.

The role of the Student support officer or Course Coordinator is to:

- Assist the student register their formal complaint
- Ensure the resolution phase commences within 5 working days of the written complaint being lodged
- Provide the student, or the students representative, with an opportunity to present their complaint
- Ensure they fully understand the student's complaint
- Work with the student to identify how the complaint can be resolved to the satisfaction of the student
- Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
- Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document
- Arrange for the proposed resolution to be signed off by the student.
- Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
- Ensure that the details of the complaint are recorded in the Institute Complaints Register and reported (via the Student support officers report) to the Institute's monthly Management Group/ staff meetings for continuous improvement purposes.
- Advise the student to take the complaint to appeal if a resolution cannot be agreed upon

External complaint and appeal mediation/resolution

If the overseas student is not successful in the ISMT's internal complaints handling and appeals process, the overseas student will be advised within **10 working days** of concluding the internal

review of the overseas student's right to access an external complaints handling and appeals process at **no cost**. The registered provider will give the overseas student the contact details of the appropriate complaints handling and external appeals body.

When the student has exhausted the College's internal complaint and appeal process without reaching an appropriate resolution, the students can **fill a form (i.e., LEADR Application for External Review)** to access an external complaint and appeal mediation/resolution. All students can access the website, <https://www.resolution.institute/membership-information/student-mediation-scheme> for further information.

The College staff will email students LEADR application form or students can fill in the form at the College reception. After the receiving the student application for an external review, applicants will be forwarded a letter (by email or post) acknowledging the receipt of their external appeal and a copy of this policy and procedure within 5 working days of Institute of Science Management and Technology receiving such request.

The Institute will forward all external appeals to the mediator agreed by both parties e.g., LEADR within 5 working days.

LEADR will advise the student that in general, the purpose of the external appeals process is to determine whether Institute of Science Management and Technology has followed its internal complaints and appeals policy and procedure.

The mediators will not review the evidence or make a decision in place of those made by Institute of Science Management and Technology.

Students will not incur costs in accessing the external appeals process.

All documentation will be placed in the students file.

The mediator will provide a written statement of the outcome including reasons and details for the decision to the appellant and Institute of Science Management and Technology at the completion of the external appeals process.

If the outcome of the external appeals process results in a decision favouring the student, Institute of Science Management and Technology will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body.

The student will be contacted within one business day of receiving notification of the decision.

There are no further avenues provided by Institute of Science Management and Technology available to students once the internal and external complaints and appeals process has been accessed. Students have the right to access other legal avenues.

If the appellant is still not satisfied with the resolution of the appeal, the learner may contact ASQA and lodge a written complaint against the RTO. The student can contact the Department of Education through the **ESOS online enquiry form** or through the **ESOS helpline 02 6240 5069**.

International students may also access the external appeals process through the **Overseas Students Ombudsman**. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website www.oso.gov.au or phone **1300 362 072** for more information.

The Students Ombudsman will not review the evidence, or make the decision in place of those made by Institute of Science Management and Technology. The Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and Institute of Science Management and Technology at the completion of the external appeals process. The student will be advised as to the course of action taken by Institute of Science Management and Technology as per The Overseas Students Ombudsman's advice.