

<b>Policy and Procedure</b>	
<b>Policy ID</b>	EDN-008-I-POL
<b>Policy Name</b>	Complaints and Appeals Policy and Procedure
<b>Audience (Internal/External)</b>	Internal/External
<b>Responsible officer</b>	Education Manager
<b>Contact officer</b>	Compliance Manager
<b>Endorsed by</b>	Continuous Improvement Committee
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## 2. INTRODUCTION

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### 2.1. Purpose

This policy is implemented to make all students aware of their legal right to appeal and/or make a complaint against any decision or fact that has affected their study experience at ABILITY English.

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### 2.2. SCOPE

This policy applies to:

- students enrolled at ABILITY English
- all ABILITY English stakeholders.

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### 2.3. Legislative Context

In Compliance with the Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students (2018), and Standard 6 of the Standards for Registered Training Organisations (RTOs) 2015, ABILITY English has implemented internal and external complaints and appeals handling processes available to students.

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### 2.4. DEFINITIONS

**Complaint** refers to an expression of dissatisfaction with academic or non-academic services. A complaint can be raised by a student who believes there are sufficient facts and reasons to support a claim against another party or parties or against a decision made.

**Appeal** is a process for requesting a review of an official decision made.

**Formal Complaint or Appeal** refers to an official complaint or appeal. To be considered a formal complaint or appeal, it must be submitted in writing on the Complaints and Appeals Form.

**Informal Complaint or Appeal** refers to an unofficial complaint that has not been formalised in writing on the Complaints and Appeals Form.

**ABILITY English:** ABILITY Education Pty Ltd, trading as ABILITY English

**Complainant** refers to the person who formally lodge a complaint or appeal

**Academic Complaint and Appeal** refers to a complaint or an appeal against a decision made about an assessment outcome, failure to meet a satisfactory academic progress, and/or the quality of the course delivery.

**Non-Academic Complaint and Appeal** refers to a complaint or appeal in relation to a service provided by ABILITY English, directly or indirectly via a third party that is non-academic in nature.

**Parties** refers to a complainant and a respondent.

**Respondent** refers to the person, department or organization or service against whom the complaint or appeal is lodged.

**International Student** refers to a student of ABILITY English who is not an Australian Citizen or Permanent Resident.

**Commonwealth Ombudsman** is a role created under the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011 to resolve complaints and help private Education Providers improve policies and practices to enhance the quality of International Education in Australia.

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### 3. POLICY STATEMENT

The intent of this policy is to ensure fairness applies to complaints and appeals management within ABILITY English. It aims to ensure that:

- all parties have the right to be heard and all evidence will be considered
- matters that are not relevant to the complaint or appeal will not be taken into account
- the decision maker will not be biased.

The complaints and appeals handling process will ensure that:

- students have access to a process for resolving complaints formally
- all formal complaints must be recorded on the Complaints and Appeals Register
- complainants shall not be victimised as a result of making a complaint or appealing a decision
- complaints and appeals will be dealt with in a timely manner and within the timeframes required by legislative instruments and as outlined in procedure
- all parties will be informed of the progress of a complaint or appeal
- complainants shall have the right to access external complaints and appeals processes in circumstances where internal complaints or appeals were not dealt with satisfactorily
- complaints and appeals will be dealt with in accordance with the procedures attached to this policy.

ABILITY English classifies complaints and appeals into two categories:

1. Informal Complaints and Appeals
2. Formal Complaints and Appeals

Throughout the complaints or appeals process, ABILITY English will maintain the student's enrolment whilst the internal complaints and appeals process is ongoing and will keep all parties involved of the steps taken throughout the process.

ABILITY English will not notify the Department of Education and Training of any change to the student's enrolment status through the Provider Registration and International Student Management System "PRISMS" until the internal process is completed.

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## **4. PROCEDURES**

Procedures are in place within ABILITY English to assist with the implementation of this policy and to provide guidance for all parties on their roles and responsibilities throughout the complaints and appeals process. Complaints and appeals shall be dealt with in accordance with the processes and principles outlined in these procedures. The complaint shall be considered formal or informal depending on the nature of the complaint or appeal itself and the format in which the complaint was communicated to ABILITY English.

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### **4.1. Informal Complaint or Appeal (Academic or non-Academic matters)**

Informal complaints are those not logged on the Complaints and Appeals Form. Refer to definitions section. The intent of informal complaints and appeals is to provide a platform for all parties to try to resolve any matters informally and is the process all parties can take as the first mechanism to seek resolution of whether the complaint or appeal relates to academic or non-academic matters.

The parties involved in an informal resolution of a complaint or appeal will attempt to resolve the matter via discussion, negotiation and agreements in the first instance. Informal complaints are not a compulsory step.

Parties may involve:

- Complainant
- Student Services Officer (SSO)
- Trainer / Teacher
- Education Manager
- Manager International Education.

Please refer to the ABILITY English Informal Complaints and Appeals Process Map in this document for guidelines.

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## 4.2. Formal Complaint or Appeal (Academic or Non-Academic matters)

The Formal Complaints and Appeals Process takes place when an informal complaint has not been resolved via verbal discussion and negotiation and progresses to a formal stage via written submission. Complainants are to formalise their complaint or appeal by completing the Complaints and Appeals Form and submitting it to [complaintsappeals@ability.edu.au](mailto:complaintsappeals@ability.edu.au) and to student services. The Formal Complaints and Appeals Process overrides the Informal Complaints and Appeals Process in any and all instances.

Parties Involved:

- complainant
- Education Manager
- Student Services Officer (SSO)
- Manager International Education
- Commonwealth Ombudsman (for international students).

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## 4.3. Guidelines for a Formal Complaint

Internal Complaints or Appeals:

Complainants must submit their written complaint or appeal to [complaintsappeals@ability.edu.au](mailto:complaintsappeals@ability.edu.au) on the Complaints and Appeals Form available at <https://www.ability.edu.au/>. Upon receipt of the complaint, all complaints and appeals will be dealt with in accordance with the Complaints and Appeals Process Map attached to this document. ABILITY English records all formal complaints and appeals received from complainants on the Complaints and Appeals Register.

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## 4.4. External Independent Appeals:

If the complaint or appeal has not been resolved via the internal process, complainants will have the right to lodge an appeal to an external independent organisation. International Students who are dissatisfied with the outcome of the internal or external complaints and appeals processes may make a written request to ABILITY English. External organisations include but are not limited to:

- The commonwealth ombudsman: <https://www.ombudsman.gov.au/making-a-complaint/overseas-students>  
Phone: 1300 362 072. From 9:00am to 5:00pm, Monday - Friday.
- The National Training Complaints Hotline: [www.education.gov.au/email-complaints](http://www.education.gov.au/email-complaints)  
Phone: 13 38 73. From 8am to 6pm, Monday - Friday.

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#### **4.5. Using an interpreter**

You can make a complaint in your language by calling the Translating and Interpreting Service (TIS) in Australia on 131 450.

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#### **4.6. Record keeping and confidentiality**

ABILITY English adheres to the National Privacy Principles which refers to the principles from the Privacy Amendment (Private Sector) Act 2000. The ABILITY English Privacy Policy governs how information collected is handled and stored.

Records of Complaint and Appeals for external review of decisions are kept and accessible only to authorised parties for a period of 5 years.

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### **5. RELATED POLICIES AND PROCEDURES**

EDN-007-I-POL Transfer Between Registered Providers Policy and Procedure

EDN-008-I-POL ABILITY Fees, Charges and Refunds Policy – Non-VET Fee Help

EDN-010-I-POL Monitoring Course Progress Policy and Procedure

EDN-016-I-POL Compassionate and Compelling Circumstances Policy

EDN-006-I-POL Student Support Services Policy and Procedures

EDN-038-I-POL Privacy Policy and Procedure

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### **6. IMPLEMENTATION**

EDN-008-I-POL Complaints and Appeals Policy and Procedure is made available externally via the ABILITY English website and internally on the ABILITY English intranet.

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### **7. RESPONSIBILITIES**

The Education Manager and the Compliance Team will review this policy annually, or in case of legislative changes requiring amendments.

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### **8. ATTACHMENTS**

ABILITY English Informal Complaint and Appeal Process Map

ABILITY English Formal Complaint and Appeal Process Map

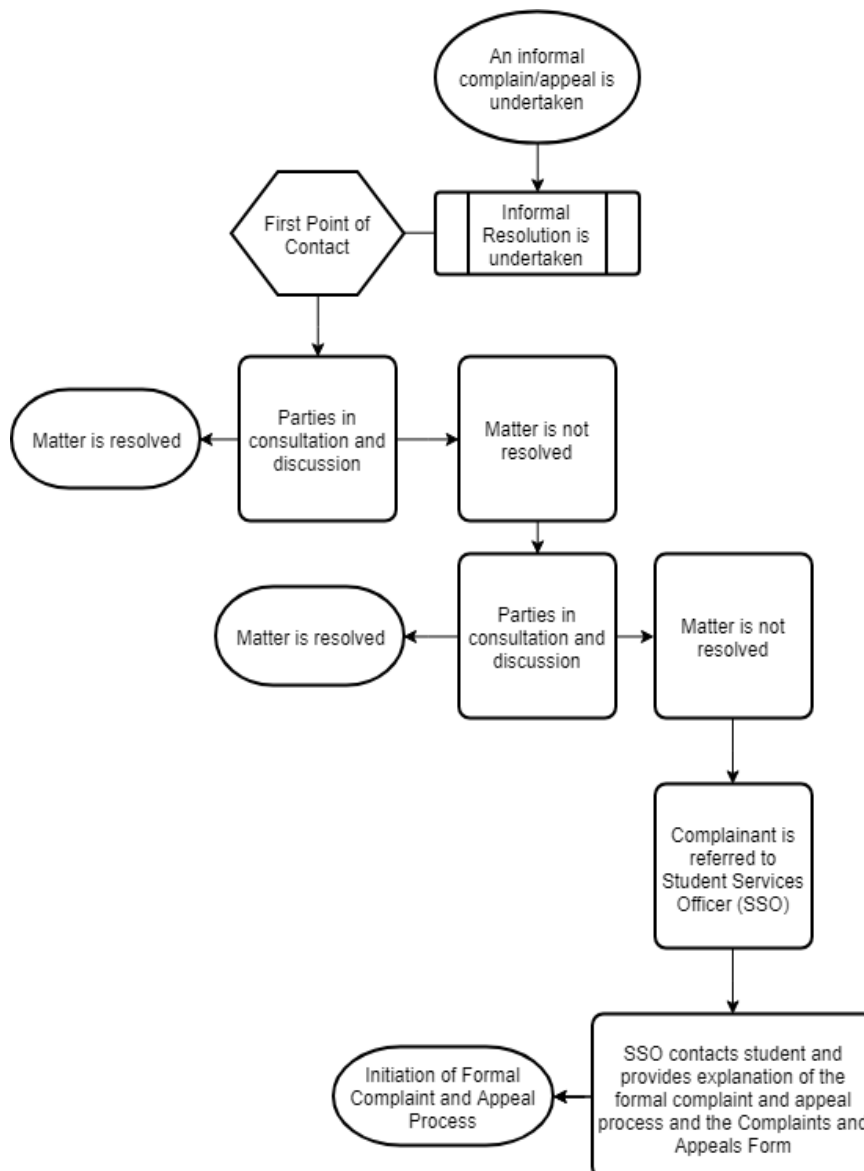
Available on ABILITY English Intranet:

EDN-008-FORM A Complaints and Appeals Form

EDN-008-TEM A Complaints, Appeals, Acknowledgment and Outcome Letter

## 9. PROCESS MAPS

### 9.1. ABILITY English Informal Complaint and Appeals Process Map



## 9.2. ABILITY English Formal Complaint and Appeal Process Map

