



Complaints and Appeals Policy and Procedure

Complaints and Appeals Policy and Procedure

Purpose

The purpose of this policy and procedure is to outline IBM (VIC)'s approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff, and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient, and confidential manner. This policy and procedure ensure compliance with Standard 6 of the Standards, as well as compliance with the of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10.

Scope of the policy

This policy applies to IBM (VIC) and its employees, international students and all staff who deal with matters concerning Vocational Education and Training (VET) complaints and appeals.

Responsibility

The Administration Manager including trainers are responsible for the implementation of this procedure and to ensure that staff and students are aware of its application and implement its requirements.

Policy

1. Nature of complaints and appeals

- IBM (VIC) responds to all allegations involving the conduct of:
 - The IBM (VIC), its trainers and assessors and other staff.
 - Any third-party providing Services on behalf of IBM (VIC) and including education agents.
 - Any student or client of IBM (VIC).
- Complaints may be made in relation to any of IBM (VIC)'s services and activities such as:
 - the application and enrolment process.
 - marketing information.
 - the quality of training and assessment provided.
 - training and assessment matters, including student progress, student support and assessment requirements.
 - the way someone has been treated.
 - the actions of another student.
- An appeal is a request for a decision made by IBM (VIC) to be reviewed. Decisions may have been about:
 - course admissions.
 - refund assessments.
 - response to a complaint.
 - assessment outcomes / results.
 - other general decisions made by IBM (VIC).

2. Principles of resolution

- IBM (VIC) is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, IBM (VIC) ensures that complaints and appeals:
 - Are responded to in a professional, consistent, and transparent manner.
 - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.

- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- IBM (VIC) will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges for students to submit, a complaint or appeal to IBM (VIC), or to seek information or advice about doing so.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

3. Making a complaint of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to Institute of Business Management's head office at 60 Belfast St Broadmeadows VIC 3047 attention to the Chief Executive Officer Mr. Kamal Parkash. When making a complaint or appeal, provide as much information as possible to enable Institute of Business Management to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
 - Any evidence you must support your complaint or appeal.
 - Details about the steps you have already taken to resolve the issue.
 - Suggestions about how the matter needs to be resolved.

4. Timeframes for resolution

- The complaint or appeal will be acknowledged in writing within 3 business days.
- The complaints and appeals process will commence within 10 business days of receipt of the application. Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

5. Resolution of complaints and appeals

- Some or all members of the management team of IBM (VIC) will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or Institute of Business Management, they will be given the opportunity to respond to any allegations made.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- The enrolment status of student will be handled as follows:
 - For international students, Institute of Business Management will maintain a student's enrolment throughout the internal appeals processes without notifying DET via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend

on the type of appeal as to whether Institute of Business Management maintains the student's enrolment as follows:

- If the appeal is against Institute of Business Management's decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Institute of Business Management's decision to report.
- If the appeal is against Institute of Business Management's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Institute of Business Management will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.

6. Independent Parties

- Institute of Business Management acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Institute of Business Management. (You can change this if you like so that either the individual pays or the Institute of Business Management pays – as long as this is made clear).
- For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). See information under external complaint avenues.
- Institute of Business Management will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by Institute of Business Management.

7. External complaint avenues

Complaints can also be made via the following avenues:

- National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

- Australian Skills Quality Authority (ASQA):

Complainants may also complain to IBM (VIC)'s registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about IBM (VIC) in relation to:

- the quality of our training and assessment.
- our marketing and advertising practices.

For students:

- ASQA may not be able to investigate the complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.
- If your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
- Please refer to the relevant webpage below before making a complaint to ASQA:

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- **Domestic students:** <https://www.asqa.gov.au/complaints/make-complaint-domestic-students/before-you-make-complaint>
- **International students:** <https://www.asqa.gov.au/complaints/make-complaint-overseas-students/before-you-submit-complaint>

For other stakeholders:

- Information about the process and information you should provide is available here: <https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders>.
- [The Overseas Student Ombudsman \(OSO\)](#)

International students may complain to the OSO if their complaint is in relation to IBM (VIC):

- refusing admission to a course.
- course fees and refunds.
- course or provider transfers.
- course progress or attendance.
- cancellation of enrolment.
- accommodation or work arranged by your provider.
- Incorrect advice given by an education agent.
- If you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results in the normal timeframe, or failing to provide services included your written agreement with Institute of Business Management.

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

8. Records of complaints and appeals

Institute of Business Management will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the Privacy Policy and Procedures.

9. Publication

This policy and procedure will be published in the Student Prospectus and on the Institute of Business Management's website.

Procedure

Complaints management

- Receive and acknowledge complaint.
- As per policy, complaints are to be made in writing by the complainant, attention to the CEO.
- The CEO should review all complaints upon receipt.
- Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt. Use Complaint/ Appeal Acknowledgement Letter.
- Record details of the complaint on the Complaints and Appeals Register.
- Commence process of investigation within 10 days of receiving the complaint.

Investigate the complaint.

- Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.

- Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.
- If the matter is in relation to a third-party delivering Services on behalf of the IBM (VIC), the third party should be involved in the resolution of the complaint.
- The investigation will also identify corrective and preventative action which will be immediately implemented as per the next section of this procedure.
- The CEO will review the information and decide on an appropriate response. Where deemed necessary by the CEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.
- Note: The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.

Advise of the outcome and update records

- Provide a written response to the complainant outlining:
 - The IBM (VIC)'s understanding of the complaint.
 - The steps taken to investigate and resolve the complaint.
 - Decisions made about resolution, with reasons for the decisions made.
 - Areas that have been identified as possible causes of the complaint and improvements to be recommended.
 - Their right to access the appeals process if they are not satisfied with the outcome of the complaints process.
- Update the Complaints and Appeals Register so it includes the outcome of the complaint and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue.
- Update the Continuous Improvement Register showing the decision that has been made in relation to the complaint, as well as any corrective/preventative actions identified to address the issue.
- Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant).
- Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required.

Appeals management

Receive and acknowledge appeal.

- Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt to ensure appellant receives it within 7 days. Use Complaint/Appeal Acknowledgement Letter.
- Record details of appeal on the Complaints and Appeals Register.

Respond to assessment appeals.

- In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.
- The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.
- Advise the student of the outcome of the appeal.

Respond to appeals against non-academic decisions.

- Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.
- Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.
- If the matter is in relation to a third-party delivering Services on behalf of the IBM (VIC), the third party should be involved in the resolution of the appeal.
- The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Institute of Business Management may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at Institute of Business Management's cost.
- Institute of Business Management's Management team will review all relevant information and decide on an appropriate response.
- The investigation will also identify corrective and preventative action, which will be immediately implemented as per the next section of this procedure.
- Note: The appeal must be resolved within 30 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.

Advise appellant of the outcome and update records

- Provide a written response to the appellant outlining:
 - The IBM (VIC)'s understanding of the reasons for the appeal.
 - The steps taken to investigate and resolve the appeal.
 - Decisions made about resolution and reasons for the decisions.
 - If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended.
 - Their right to, and information on, the external appeals process.
 - For international students, the effect on their enrolment status (see enrolment status in policy – 10).
- Update the Complaints and Appeals Register so it includes the outcome of the appeal and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue.
- Update the Continuous Improvement Register showing the decision that has been made in relation to the appeal, as well as any corrective/preventative actions identify to address the issue.
- Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant).
- Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required.

External complaint or appeal

External complaint or appeal

- If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.

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- Additionally, a complainant or appellant who has been through the internal processes may request Institute of Business Management to appoint an independent party to review the matter.
- For international students, the independent party advised is the Overseas Students Ombudsman, which is free of charge.
- Co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records that are permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.
- Where the decision of the external party supports IBM (VIC), IBM (VIC) will notify DET via PRISMS of the change in enrolment status.

Review external complaints or appeals.

- In the event that the external party finds in favour of the student, immediately organise a management meeting to discuss the external process and its outcome.
- At the meeting, discuss the decision made and actions to be taken to implement the decision, including both corrective/preventative actions.
- Following the meeting immediately implement actions.
- Advise the student of the outcome of the complaint or appeal and the actions taken.