



Global Business College of Australia Pty Ltd

trading as

Global Business College of Australia (GBCA)

Student Complaints and Appeals

Policy & Procedure 7

337-339 La Trobe Street, Melbourne VIC 3000

338 Queen Street, Melbourne VIC 3000

## DOCUMENT CONTROL

<b>Department</b>	GBCA Student Support	<b>Author(s)</b>	GBCA Administration	
<b>Quality Controlled Policy No. &amp; Title Version</b>	Policy 7 Student Complaints and Appeals Policy and Procedure V2.3	<b>Approved</b>	GBCA Compliance	
		<b>Authorised</b>	Student Administration and Support Manager	
<b>Standards</b>	Standards for Registered Training Organisations (RTOs) 2015 – Standard 6  National code 2018 - Standard 10	<b>Distribution</b>	Internal	GBCA Manager GBCA Staff GBCA Candidates
			External	GCBA Students

## REVISION RECORD

Date	Version	Revision description
June 22, 2015	1.0	GBCA creates policies and procedures against Standards for Registered Training Organisations (RTOs) 2015 and The National Code 2007.
January 13, 2016	2.0	This policy is updated to reflect current practices in student complaints and appeals procedures.
December 23, 2016	2.1	Update: 1.2 to include third party; 4.16 & 4.21 to include "Only at the request of students"; 4.22 to change to include all complaints and appeals; Update College Manager to Compliance/or Training Manager
September 14, 2017	2.2	Update: Title, address on cover
March 7, 2018	2.2	Update to the requirements of NC 2018

## 1.0 Purpose

- 1.1 Despite the best efforts of Global Business College of Australia (GBCA) to provide quality services and outcomes to its students and clients, complaints may occasionally arise that require formal resolution. The Complaints and Appeals Policy and Procedure addresses GBCA's formal and systematic approach to complaints handling, providing a mechanism for lodging and ensuring a prompt, objective resolution of any complaints and/or assessment appeals.
- 1.2 The purpose of this policy and procedure is to define the system available to students for dealing with student complaints and appeals. It is to manage and respond to allegations involving the operation of GBCA including but not limit to: the conduct of GBCA, its students, trainers, assessors, other staff of GBCA or a third party recruitment agencies. This policy and procedure is also to manage requests for a review of decisions, including assessment decisions, made by GBCA.

## 2.0 Responsibility

- 2.1 The Student Administration and Support Manager is responsible for implementation process of this procedure and ensuring that staff and students are made aware of its application. Support staff implement this policy under the guidance of the Student Administration and Support Manager.

## 3.0 Definitions

- 3.1 **Complaint:** A complaint is generally negative feedback about services or staff which requires a systematic and formal resolution management process. A complaint may be received by GBCA in any form and does not need to be formally documented by the complainant in order to be acted on.  
  
Complaints may be made in person or agency in contact with the service and can be lodged in a variety of mediums including email or in person. All complaints must be made to GBCA within 3 months of the incidence occur.
- 3.2 **Appeal:** An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged in writing within 20 working days of the decision or finding is informed to students.

## 4.0 Requirements

- 4.1 This policy is published on GBCA's website as part of the pre-enrol information. All prospective students will have access to the information about the complaints and appeals procedure before signing an agreement to enrol.
- 4.2 Written records of all complaints and appeals will be kept in detail on student files and provided to the student.
- 4.3 All complaints and appeals will be handled fairly, professionally, equitably, confidentially, and in a timely manner, with a view to achieving a satisfactory resolution as soon as practical.
- 4.4 GBCA is committed to dealing with complaints/disputes in a fair and timely manner.
- 4.5 Students who are concerned in regarding their dealings with GBCA, GBCA's education agents or any related party that GBCA has an arrangement with to deliver students' courses or related services are encouraged to attempt to resolve their concerns using this procedure.
- 4.6 Student complaints and appeals applications must be lodged in writing to the Student Support Officer.
- 4.7 The procedure will be implemented at no cost to the student.
- 4.8 The procedure will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information. The Student Support Officer handling the complaint/appeal will send an email to the complainant/appellant that:
  - Acknowledges receipt of the case, and
  - Include indicative timeframes for the process
  - Notifies them of who to contact (including contact details) in case they want to make contact during the process

- Offers the complainant/appellant the right to present the case in person (with one supporting person if request)
- 4.9 The complainant/appellant is to be provided with written notice of each stage in the investigation process and a statement of the outcome, including details of the reasons for the outcome.
- 4.10 Where the case is more complex and or taking time to resolve, the complainant/appellant will be regularly updated to the status by email.
- 4.11 If the matter will take more than sixty (60) calendar days to process and finalise, the person handling the case will inform the complainant/appellant in writing, including the reason why more than 60 days is required and regularly updates the complainant/appellant on the progress of the matter.
- 4.12 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 4.13 Students are provided with details of external authorities they may approach, if required
- 4.14 Students are made aware that at any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 4.15 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.
- 4.16 For internal complaints and appeals:
- The student with any issue, question or complaints could raise the matter with staff of GBCA and attempt an informal resolution of the question or complaint.
  - The student will have an opportunity to formally present their case, in writing no cost to the student
  - All other relevant parties will be informed of the allegations, and will have the opportunity to present their side of the matter.
  - The student may be accompanied and assisted by a support person at any relevant meetings.
  - The matter will be reviewed by an independent party (only at the request of the student), to ensure no bias in the outcome.
  - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 4.17 The following matters must be lodged as a formal internal appeal within 20 working days of notification of an intention to report the student to DIBP in order to be considered by GBCA Pty Ltd (applicable to international students).
- Deferral of commencement, suspension or cancelling a student enrolment (Refer to NC Standard 13 DSC policy and procedure)
  - Non achievement of satisfactory course progress (Refer to NC Standard 10 Monitoring course progress policy and procedure)
- 4.18 A student's enrolment must be maintained whilst a complaint, internal appeal and external appeal is in progress and the outcome of the complaint/appeal process has not been determined except in cases where GBCA is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. (see the next requirement)
- 4.19 In cases where GBCA is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment GBCA only needs to await the outcome of the internal appeals process (supporting GBCA Pty Ltd) before notifying Department of Education and Training through PRISMS of the change to the student's enrolment unless extenuating circumstances relating the a student's welfare apply. (applicable to international students)
- 4.20 Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
- having medical concerns, severe depression or psychological issues which lead GBCA to fear for the student's wellbeing;
  - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
  - being at risk of committing a criminal offence

- 4.21 GBCA will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion. Where a complaint or appeal cannot be resolved through discussion and reconciliation and the GBCA internal complaints and appeals process, we acknowledge the need for an appropriate external and independent agent to review the process implemented by GBCA Pty Ltd (only at the request of the student).
- 4.22 All formal complaints, appeals and action taken will be recorded in GBCA Complaints Register and be used as part of the continuous improvement activities of GBCA Pty Ltd.
- 4.23 When a complaint is lodged, the person the complaint is against must be informed.
- 4.24 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 are advised to:-
  - Contact a solicitor; or-
  - Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, telephone 9602 5000 for a referral to a solicitor.

## **5.0 Method**

The GBCA's Complaints and Appeals comprises of four stages:

- Stage 1: Informal Complaint
- Stage 2: Formal Complaint
- Stage 3: Internal Appeal
- Stage 4: External Appeal

### **STAGE 1 - INFORMAL COMPLAINT PROCESS**

- 5.1 Any student with an issue, question or complaint may raise the matter with their trainer or staff of GBCA and attempt an informal resolution of the question or complaint.
- 5.2 Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following College staff members who are responsible to try and resolve the issue, question or complaint with the student informally:
  - Trainer
  - Student Support Officer
  - Student Administration and Support Manager
- 5.3 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action, this will be reported in writing by the Student Support Officer to the Student Administration and Support Manager so the matter can be recorded in GBCA Complaints Register and be used as part of the continuous improvement activities of GBCA Pty Ltd.
- 5.4 The staff member will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate. All meetings will be documented in writing.
- 5.5 Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint.

### **STAGE 2 - FORMAL COMPLAINT PROCESS**

#### **Formal Complaint Process – preamble**

- 5.6 The formal complaint process will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information
- 5.7 GBCA will make its best endeavour to resolve the formal complaint within a maximum time of 20 working days from the commencement of the formal complaint process unless the matter is complex and requires more time.
- 5.8 Formal complaints must be lodged using the Student complaint form (form SA003) which can be found in the student handbook or be requested from the reception desk.

5.9 Formal complaints must be recorded in GBCA Complaints and Appeals Register (form SA039)

#### **Formal Complaint Process – general complaints**

5.10 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.

- Obtaining a copy of the Student complaint form (form SA003) which can be found in the student handbook or be requested from the reception desk.
- Completing the Student complaint form (form SA003)
- Lodging the Student complaint form (form SA003) with the Student Support Officer.

Once completed the complaint form (form SA003) is to be lodged with the Student Support Officer who will report to the Student Administration and Support Manager, and arrange for the complaint to be entered on GBCA complaint register and meet with the student to discuss the complaint with the student according to the instruction of the Student Administration and Support Manager.

5.11 During the formal complaint process:

- Student will have an opportunity to formally present their case to the Student Support Officer in writing at no cost to the student
- All other relevant parties will be informed of the allegations, and will have the opportunity to present their side of the matter.
- Students may be accompanied and assisted by a support person at any meetings involving the complaint.

5.12 Complaints can only be dealt with by the Student Support Officer. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.

5.13 The role of the Student Support Officer is to:

- Assist the student register their formal complaint
- Ensure the resolution phase commences within 10 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 students 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. This is done by the requirements of clause 4.9, 4.10, 4.11 in this policy.
- 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 GBCA Complaints Register and reported (via the Student Support Officers report) to GBCA monthly Management Group meetings for continuous improvement purposes.
- Advise the student to take the complaint to appeal if a resolution cannot be agreed upon

5.14 Any complaint raised by a student that the Student Support Officer considers may be a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury must be reported to the Student Administration and Support Manager, and could trigger implementation of the critical incident procedure.

#### **Formal Complaint Process – finalisation**

5.15 At the end of the resolution phase the Student Support Officer will report the GBCA decision in writing to the student within 10 working days. The GBCA decision and reasons for the decision will be documented by the Student Support Officer and placed in the students file. A copy of this document will be provided to the student.

5.16 Following the resolution phase GBCA will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint

- 5.17 If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported in writing (via email to the Student Administration and Support Manager) to the GBCA Management Group meeting so the matter can be recorded in the GBCA Complaints Register and be used as part of the continuous improvement activities of GBCA Pty Ltd.
- 5.18 Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the GBCA decision by following the internal appeal process.

### STAGE 3 – INTERNAL APPEAL PROCESS

#### Internal Appeal Process - preamble

- 5.19 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to DIBP (applicable to international students) and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for GBCA to reconsider a decision made by GBCA Pty Ltd.
- 5.20 Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision has been made by GBCA are encouraged to appeal against the GBCA decision by:
- Obtaining a copy of the Student appeal form (form SA003) which can be found in the student handbook or be requested from the reception desk.
  - Completing the Student appeal form (form SA003)
  - Lodging the Student appeal form (form SA003) with the Student Support Officer
- 5.21 A student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.
- 5.22 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 5.23 GBCA will make its best endeavour to resolve the appeal within a maximum time of 20 working days from the commencement of the formal complaint process unless the matter is complex and requires more time.

#### Internal Appeal Process - general

- 5.24 Internal appeal request for general matter must be made in writing and submitted to GBCA within ten (10) working days from the date of original decision made by GBCA.
- 5.25 Internal appeals (except assessment appeals) will be heard by a 3 person-panel including: the Student Administration and Support Manager or Training Manager, the Student Support Officer, and a member of the teaching staff of the GBCA (the Appeals Panel). No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.
- 5.26 The role of the Appeal Panel is to:
- Ensure the appeal phase commences within 10 working days of the written appeal being lodged
  - Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal Panel
  - Ensure they fully understand the students appeal
  - Review the evidence and information provided by the student, or the students representative, and GBCA Pty Ltd
  - Make an **independent** decision, based on the evidence to either support the students appeal, and reverse the decision by GBCA that lead to the appeal or to support the and proceed with the original decision by GBCA Pty Ltd.
  - Arrange for the decision to be signed off by the student and the Student Administration and Support Manager (this is not agreement by the student but to record that the decision has been communicated to the student)

- Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision. GBCA will convey the written decision and reasons for the decision to the student within 10 working days of concluding the internal review process.

**Formal Appeal Process – Notice of Intention to Report by GBCA Pty Ltd (applicable to international students)**

- 5.27 The following matters must be lodged as an appeal within 20 working days of notification of an intention to report the student to DIBP in order to be considered by GBCA Pty Ltd.
- Notice from GBCA of an intention to defer commencement, suspend or cancel a student enrolment
  - Notice from GBCA of its intention to report a student for not achieving satisfactory course progress
- 5.28 Appeal arising from a notice of intention to report by GBCA must be lodged with GBCA by:
- Obtaining a copy of the Student complaint form (form SA003) which can be found in the student handbook or be requested from the reception desk.
  - Completing the Student complaint form
  - Lodging the Student complaint form (form SA003) with the Student Support Officer
- 5.29 It is the responsibility of the Student Support Officer to ensure that for appeals arising from a notice of intention to report by GBCA the resolution phase commences within 10 working days of the written complaint being lodged
- 5.30 Complaints arising from a notice of intention to report by GBCA will be heard by a Panel of 3 selected from the Student Support Officer, Compliance/or Training Manager and a member of the teaching staff of GBCA (the Complaints Panel). No member of the panel is to have been involved in making the decision to issue the notice of intention to report.
- 5.31 During the formal appeals process:
- Students will have an opportunity to formally present their case to the Appeals Panel (student support officer, a member of the teaching staff of GBCA and the Compliance/or Training Manager), in writing at no cost to the student
  - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
- 5.32 The role of the Appeals Panel is to:
- Ensure the resolution phase commences within 10 working days of the written complaint being lodged
  - Provide the student, or the students representative, with an opportunity to present their appeals to the Complaints Panel
  - Consider the evidence that GBCA holds which lead to the issuing a notice of intention to report, as relevant
  - Consider the evidence presented by the student or the students representative
  - Ensure they fully understand the appeals and the matters raised by the student or the student's representative
  - Review all the evidence and information provided by the student or the students representative and GBCA Pty Ltd
  - Consider if there are any applicable extenuating circumstances supporting the students case
  - Make an **independent** decision, based on the evidence to either support the students case and cancel the notice of intention to report or support GBCA case and proceed with the Intention to report (in the event of the appeal arising from the notice of intention to report).
  - Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision. GBCA will convey the written decision and reasons for the decision to the student within 10 working days of concluding the internal review process.
- 5.33 If an appeal is against an Institute decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, GBCA only needs to await the outcome of the internal appeals process (supporting GBCA Pty Ltd) before notifying DET through PRISMS of the change to the student's enrolment (applicable to international students).

### **Formal Appeal Process – Request of release (applicable to international students request a transfer prior to completing six months of their principle course)**

- 5.34 The matter relating to GBCA intention to refuse a request of release must be lodged as an appeal within 20 working days of notification.
- 5.35 GBCA will not finalise the student's refusal status in PRISM until the appeal finds in favour of GBCA, or the student has chosen not to access the appeals processes within the 20 working day period, or the international student withdraws from the process.

### **Internal Appeal Process - assessment**

- 5.36 Internal appeal request for assessment must be made in writing and submitted to GBCA within ten (10) working days from the date of original decision made by GBCA.
- 5.37 Students appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by GBCA Pty Ltd. Costs of reassessment will met by GBCA Pty Ltd.
- 5.38 The recorded outcome from the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 5.39 Only one assessment appeal per unit will be allowed.

### **Internal Appeal Process – finalisation**

- 5.40 The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and GBCA and placed in the student file. A copy of this document will be provided to the student.
- 5.41 Following the internal appeals phase GBCA will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the GBCA continuous improvement process
- 5.42 If there is any matter arising from a student appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the Student Administration and Support Manager) to the GBCA Management Group meeting so the matter can be recorded in the GBCA Complaints Register and be used as part of the continuous improvement activities of GBCA Pty Ltd.
- 5.43 There are no further avenues within GBCA for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available
- 5.44 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal to:

#### **For overseas students:**

Overseas Student Ombudsman

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Call: 1300 362 072\* within Australia. Outside Australia call +61 2 6276 0111.

<http://www.oso.gov.au/contact-us/>

#### **For Local students**

Australian Council for Private Education and Training (ACPET)

Call: 1800 657 644.

GBCA will pay the costs of mediation if any.

## **STAGE 4- EXTERNAL APPEAL**

### **External appeal process**

- 5.45 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by contacting relevant external appeal mediator.
- 5.46 The purpose of the external appeals process is to consider whether GBCA has followed its student complaint and appeals procedure, not to make a decision in place of GBCA Pty Ltd. For example, if a

student appeals against his or her subject results and goes through the GBCA internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

- 5.47 Following the receipt of the outcome of the external appeal GBCA must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint
- 5.48 If the external appeal is against an Institute decision to report the student for unsatisfactory course progress, GBCA must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported GBCA Pty Ltd's decision to report (applicable to international students).

**NOTE**

- If a student is dissatisfied with GBCA's complaints and appeals process they can contact the Department of Education (DET) through the ESOS online enquiry form or through the ESOS helpline 02 6240 5069. The student may send through a complaint at any point, including after he or she exhausted GBCA's internal appeals process and the external appeal process. The DET will only intervene where the provider's appeals process was not conducted correctly or if the provider did not make the appeals process available to the student.
- The student should also be made aware that DET will only review whether the appeals process met the requirements of the National Code. The DET will not be looking at whether the outcome of a properly conducted appeal process was right or wrong.

**Record of complaint and appeal documents**

- 5.49 The records of all complaints and appeals and their outcomes will be securely maintained by GBCA.
- 5.50 GBCA will identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence (refer to form G013).

**GBCA's Complaints and Appeals Policy and Procedure do not remove the right of students taking action under Australia's consumer protection laws**

*Please approach reception or student support officer for related forms*

*Email: [studentsupport@gbca.edu.au](mailto:studentsupport@gbca.edu.au)*

*Phone: 61 3 9041 3050 / 61 0478 151 051 (text after hours, this phone is monitored 24/7)*

