

Complaints and Appeals Policy and Procedure – Standard 10

Purpose

The policy relates to the institutes complaints and appeals processes, which are independent, easily and immediately accessible and inexpensive for the parties involved.

Scope

This policy and procedure applies to all Staff and students of Newgen Education

Policy

This policy/procedure supports ‘Standard 10 – Complaints and Appeals’ of the ‘National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018’

And

This policy/procedure also supports clauses 5.2d of Chapter 2– Each learner is properly informed and protected, where Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:

The RTO’s obligations to the learner, including that the RTO is responsible for the quality of the training and assessment in compliance with these Standards, and for the issuance of the AQF certification documentation.

The policy supports Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

Despite all efforts of Newgen Education to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. Each and every student has the opportunity to formally present his/her case at no cost to himself/herself. The following procedures provide students the opportunity to have Complaint & Appeal resolved and resolutions reached. This process incurs no cost to either party involved.

Definitions:

Complaint:	Dissatisfaction with a service offered or treatment received at Newgen Education
Appeal:	Dissatisfied with a decision made by Newgen Education Could be an Internal Appeal or an External Appeal.
Complainant:	The Student making a Complaint.
External Appeal:	Overseas Student Ombudsman Website: http://www.ombudsman.gov.au/about/overseas-students Call: 1300 362 072* (within Australia) Call +61 2 6276 0111. (Outside Australia)



Formal Complaint:	Means a Formal Complaint managed under the Complaint and appeal Procedure.
Informal Complaint:	Means an Informal Complaint managed under Complaint and appeal Procedure.
Internal Appeal:	An appeal to a Staff member at Newgen Education
Overseas Student:	A person holding an Australian student visa, enrolled in a CRICOS registered course, as a Student of Newgen Education
Party:	Means a person lodging an Appeal and the Respondent.
Privacy:	Means information protected under the Information Privacy Act (Vic) in accordance with the Newgen Education's Information Privacy Policy.
Procedures:	Means Institutes Procedures published on the Newgen Education's website and student Pre enrolment book.
Respondent:	A person who must respond to the Appeal on behalf of the Newgen Education
Staff:	Any person who is an employee of Newgen Education at the time of the Complaint and this includes full-time, part-time, sessional or casual Staff.
Student:	Any person enrolled as a student of Newgen Education
Support Person:	Means an observer (who is not legally trained) who accompanies a Party during the Complaint.
Newgen Education/ Institute / RTO:	Means Newgen Education
Working Day:	Seven but excluding days which are designated as Institute's holidays.

Complaints Procedure

Step 1	Try to resolve your concern with the staff member or student directly in an informal manner if possible.
Step 2 (Problem not resolved at Step 1)	Make an appointment with a Student Services staff member who will assist you in resolving the situation. Alternatively email your complaint to: sso@newgen.edu.au Upon receipt of your complaint via email, the Student Support staff member will contact you to organize an appointment to discuss and resolve your complaint.
Step 3 (Problem not resolved at Step 2)	Complete an 10.1 Complaints & Appeals Form and submit to the Student Services staff member to take the complaint further. The Institute will undertake to investigate your concerns. This investigation will involve contacting the party ('s) against whom the complaint was made and allows them to respond in writing in relation to the complaint. Alternatively a meeting will be arranged with the parties involved. complainant will receive an outcome in writing within 10 working days

Step 4 (Problem not resolved at Step 3)	Make an appointment with Operations manager through the Student Support Department at reception.
Step 5 (Problem not resolved at Step 4)	Make an appointment with the CEO through the Student Support Department at reception.
Step 6 (Problem not resolved at Step 5)	Seek resolution of the matter via an external appeal (see external appeals procedure in the policy) The third party mediation organisation is Overseas Students Ombudsman (OSO). Overseas Students Ombudsman (OSO) Phone number : 1300 362 072 Online Form : OCO Complaint Form (business.gov.au)

*Please Note: You have the right to appoint an independent nominee to attend all discussions.

Appeals Procedure

Step 1	Contact the Student Support officer to try and resolve the issue in an informal manner.
Step 2 (Appeal not resolved at Step 1)	If the issue is not resolved, the Student Support officer will assist you to complete 10.1 Complaints & Appeals Form and will submit to the nominated staff member.
Step 3	The Institute will undertake to investigate your appeal. This investigation will involve contacting the party (is) who were involved in making the decision and allow them to respond in writing in relation to the appeal. Alternatively a meeting will be arranged with the parties involved.
Step 4 (Appeal not resolved at Step 3)	Continue through the internal appeals channel – For more details please speak to your student support officer or refer to the “ Appeals Procedure” in the complaints & Appeals Policy
Step 5 (Appeal not resolved at Step 4)	Seek resolution of the matter via an external appeal (see external appeals procedure in the policy) The third party mediation organisation is Overseas Students Ombudsman (OSO). Overseas Students Ombudsman (OSO) Phone number : 1300 362 072 Online Form : OCO Complaint Form (business.gov.au) Website : http://www.ombudsman.gov.au

*Please Note: You have the right to appoint an independent nominee to attend all discussions.

Complaints

Informal process

Where possible all non-formal attempts shall be made to resolve the Complaint or appeal. This may include advice, discussions, and Operations mediation in relation to the issue and the student's Complain or appeal. Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint or appeal the above said procedures must be followed.

General Complaints

- All complaints or appeals are to be submitted through 10.1 Complaints and appeals form to the Admin manager. It is his responsibility to deal with the complaint in the first instance. Complaints are to include the following information:
 - Submission date of complaint
 - Name of complainant;
 - Nature of complaint;



- Date of the events which lead to the complaint
- Attachments (if applicable);
- Once the 10.1 Complaints and appeals form is received it is to be entered into the Complaints and appeals Register which is monitored by the Operations Manager. The information to be contained and updated within the 10.1 Complaints and appeals form is as follows:
 - Submission date of complaint
 - Name of complainant;
 - Description of complaint / appeal
 - Determined Resolution; and
 - Date of Resolution.
- A student may be assisted or accompanied by a support person regardless of the nature of the Complaint & Appeal.
- Once a complaint has been filed and logged in the Complaints and appeals register the Admin Manager shall notify Operations Manager of the complaint and provide any further documentation related to the matter.
- The Operations Manager shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint at hand within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Once a decision has been reached the operations manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.
- Copies of all documentation, outcomes and further action required will be placed into the complaints and appeals register by the admin manager and on the student file.
- With the notification of the outcome of the formal complaint the students shall also be notified that they have the right to appeal. To appeal a decision Newgen Education must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.

Operations Complaints

- Any student, potential student, or third party may submit a formal complaint to Newgen Education with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complaints should be submitted in writing using the complaints and appeal form
- All formally submitted complaints or appeals are submitted to the Student Support Officer. It is his responsibility to deal with the complaint in the first instance. Complaints are to include the following information:
 - Submission date of complaint
 - Name of complainant;
 - Nature of complaint;
 - Date of the event which lead to the complaint
 - Attachments (if applicable);
- Once a formal complaint is received it is to be entered into the 'complaints and appeals register' which is monitored by the Operations Manager regularly. The information to be contained and updated within the register is as follows:
 - Submission date of complaint
 - Name of complainant;
 - Description of complaint / appeal
 - Determined Resolution; and
 - Date of Resolution.
- Each complainant or appellant will have the opportunity to formally present their case at no cost
- A student may be assisted or accompanied by a support person regardless of the nature of the complaint throughout the process at all times.
- Once a complaint has been filed and logged in the 'complaints and appeals register' the Student Admin Manager shall notify the Operations Manager of the complaint and provide any further documentation related to the matter.

- The Operations Manager shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Once a decision has been reached the Operations Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right to appeal. To appeal a decision Newgen Education must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.
- The Operations Manager shall ensure that Newgen Education will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the student, Newgen Education will immediately implement any decision and/or corrective and preventative action that are required, and advise the student of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the 'complaints and appeals register' by the Student Admin Manager and on the students file.

Appealing a Decision

All students have the right to appeal decisions made by Newgen Education where reasonable grounds can be established. The areas in which a student may appeal a decision made by Newgen Education may include:

- Assessments conducted
 - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
 - Or any other conclusion / decision that is made after a complaint has been dealt with by Newgen Education in the first instance.
- If the student accesses Newgen Education's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed.
 - To activate the appeals process the student is to complete 'complains and appeal form' which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from student administrations department.
 - The Operations Manager shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
 - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
 - The Operations Manager shall ensure that Newgen Education acts on any substantiated appeal.
 - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

Operations appeals

- Where a student has appealed a decision or outcome of a formal complaint they are required to notify Newgen Education in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal
- The appeal shall be lodged through student administrations and the student admin manger shall ensure the details of the appeal are added to the 'complaints and appeals register'.
- The Operations Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome with reasons for the decisions, Admin Manager will make sure the 'complaints and appeals register' is updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Newgen Education if they wish to proceed with the external appeals process.

Assessment appeals

- Where a student wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting a written letter outlining the reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'complaints and appeals register'.
- The Operations Manager shall be notified and shall seek details from the assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by Newgen Education
- The student shall be notified in writing of the outcome with reasons for the decision Admin Manager will make sure the 'complaints and appeals register' is updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Newgen Education if they wish to proceed with the external appeals process.

Appealing deferrals, suspension or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge, in writing, a letter outlining the details of their appeal. The student should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.
- If the student accesses Newgen Education's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed.
- The appeal submitted shall be lodged with student administrations department and the appeal shall be entered into the 'complaints and appeals register'.
- The Operations Manager shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome with reasons for the decision, and the 'complaints and appeals register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Newgen Education if they wish to proceed with the external appeals process.
- The Operations Manager shall ensure that Newgen Education will act immediately on any substantiated appeal. If the internal or any external complaint handling or appeal process results in a decision that supports the student, Newgen Education will immediately implement any decision and/or corrective and preventative action that are required and advise the student of the outcome.

Guidelines

The complaint or appeal will be dealt with promptly and the length of time involved may vary in accordance with the complexities of the case. Under normal circumstances student can expect at least a provisional written response within 10 working days of presenting the complaint and appeal. If resolution takes longer, they will be kept informed on the progress of the case.

- Student will be provided with a written outcome on your case including reasons.
- Student must maintain the enrolment throughout the complaints and appeals process.
- The complaints and appeals services available to students shall not incur any cost.

External Appeals

- If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, Newgen Education advises the student that he/she has the right to access the external appeals process. Where this is the

case, the matter shall be referred to the external independent / third party mediator at no cost to the student. The third party mediation organisation is Overseas Students Ombudsman (OSO).

Overseas Students Ombudsman (OSO)

Phone number : 1300 362 072

Postal Address : GPO Box 442 Canberra ACT 2601

Website : <http://www.ombudsman.gov.au>

- The decision of this independent mediator is final and any further action the student wishes to take is outside Newgen Education policies and procedures. The student shall be referred to the government agencies such as Department of Education and Training and Department of Home Affairs and this information can be gained from the Operations Manager.
- Where a decision or outcome is in favour of the student, Newgen Education shall follow the required action to satisfy the students Complaint & Appeal as soon as practicable.

Recording Student Complaints and Appeals

- Complaints that the student does not wish to formalise in writing should be recorded on a Student File Cover sheet, which is maintained by the admin department and sits in Admin File of a student.
- Each complaint, appeal and its outcome is recorded on the Complaints and Appeals Register, Student Management System and a copy of the Complaints and Appeals Form is placed in the student's admin file.

Action of the outcome of Complaints and or Appeals

Where the complaints or appeals process results in a decision supporting the student complaint Newgen Education will within thirty days implement the required corrective/preventative action and advise the student of the outcome. This decision is reviewed internally in the continuous improvement meetings to make appropriate decision on the change in the procedure implemented in qms that led to the complaint to make sure such scenario does not repeat.

Responsibilities

CEO
Operations Manager
Admin manager
Assistant Admin Manager
Student Support Officer

Policy Base

- [Education Services for Overseas Student Act 2000 \(ESOS Act\)](#).
- [The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 \(The National Code\)](#).

Forms

- [10.1 Complaints & Appeals Form](#)
- [Complaints and appeals register](#)
Forms / **Record Keeping**

