

Complaints and Appeals Policy

Document Name	Complaints and Appeals Policy		
Approved by	PEO or delegate	Date	29/05/2019
Responsible Officer	Director of Studies		
This policy applies to	ECA College (RTO Code 45012; CRICOS Provider Code 02644C)		
Related Documents	Complaints and Appeals Procedure Complaints and Appeals Form Student Handbook Continuous Improvement Policy and Register Student Enrolment Policy Assessment Policy Fees and Refund Policy and Procedure		
References and Legislation	Standards for Registered Training Organisations (RTOs) 2015 Standard 6 The National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 10		
Version	Change description	Approved	Effective Date
v19.0	Updated for new logo and alignment with ECA Group.	PEO	01/06/19
v19.1	Update for ESOS act requirements	PEO	18/07/19
v21.0	Update CRICOS code	PEO	18/05/21

1. Purpose

At any point of time during their study a student may find themselves in a situation in which they feel they have a justified grievance relating to the policies and procedures of ECA Group, or in circumstances in which they have been wrongly represented and that ECA Group has acted in a manner contrary to their best interests without full and fair consideration of all circumstances, and in which they have found it impossible to resolve their grievance informally.

This policy is based on providing and maintaining training and support services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. This process provides opportunity for complaints and appeals to be forwarded to ECA Group management in a timely and confidential manner.

2. Scope

This policy applies to international and domestic student (potential or actual) who are enrolled in Education Centre of Australia Pty Ltd (ECA Group), including ECA College (ECAC), regardless of the location of the campus, the student's place of residence or the student's mode of study.

Where appropriate, students are encouraged to resolve their concerns through informal avenues, but where this is not possible or the concern is for a significant matter, students can engage the Internal Appeals procedures by completing and submitting a Student Appeal Form.

Given the fact that the policies and procedures for appeals come into play across a number of National Code Standards, this statement provides the foundation for appeals relating to other standards, and should be read in association with ECA Group's policy and procedures.

3. Definitions

Item	Definition
Appeal	The request against any decision made by ECA Group or its authorised representative(s), permanent and casual employees engaged in teaching and assessment.
Assessment	The process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard expected in the workplace, as expressed by the relevant endorsed industry/enterprise competency standards of a training package or by the learning outcomes of an accredited course.
Complainant	The person who is lodging the complaint or appeal.
Complaint	A grievance/expression of dissatisfaction of another which has an unreasonable negative impact on the student that involves a formal process for resolution
Grievance	Behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their learning.
Mediation	A meeting conducted by a trained and accredited mediator who is impartial. Mediations are confidential and participation is voluntary for all participants.
Principles of natural justice	General procedural fairness in the handling of grievances that involves: the right to a fair hearing; the right to attend hearings with a friend or support person, if required; the opportunity for all parties involved to be heard; the respondent having full knowledge of the nature and substance of the grievance; the complainant not determining the outcome, but may be a party to it; the right to an independent, unbiased decision-maker; a final decision that is based solely on the relevant evidence.
Respondent	The person(s) against whom the grievance/complaint has been lodged.
RTO	A Registered Training Organisation (RTO) is a vocational education organisation that provides learners with training that results in qualifications and statements of attainment that are recognised and accepted by industry and other educational institutions throughout Australia.
Staff Member	Any person who is an employee of the ECA Group RTO's at the time of the grievance/complaint. This includes full time, part time, sessional, casual, contracted or volunteer staff.
Support Person	An observer who accompanies the complainant or respondent during the informal or formal procedure.
Training	The process used by an RTO to facilitate learning.

4. Policy

4.1. ECA Group's Complaints and Appeals Policy seeks to secure a resolution of situations in which an ECA Group's decision made in relation to a student is seen by that student as being against their interests and in some way contestable. Such decisions potentially include:

- A student being sent an Intention to Report Letter for unsatisfactory Academic progress (see ECA Group's Monitoring Course Progress Policy and Procedures);

- A student being notified of an intention to suspend or terminate their enrolment as a result of their breaching the ECA Group's Code of Conduct;
 - A student unsatisfied with an assessment decision
 - A student not being able to secure an acceptable resolution (from the student's perspective) of a complaint through the informal and formal Complaints procedures;
 - A student having their application for a release letter to transfer to another registered provider rejected;
 - A student having an application for a refund of tuition fees rejected;
 - A student having their application for a change of course rejected;
 - A student having their application for leave of absence rejected; or
 - A student having their application for course credit rejected.
 - Any third party providing a service on behalf of ECA Group including education agents.
 - The conduct of another student
- 4.2. ECA Group Complaints and Appeals Policy also relates to situations in which a student has a grievance relating to:
- College facility, including building, classrooms, information technology and/or learning resources; administrative, educational and/or student services procedures and/or delivery
 - A 'breach' of the Trainers' Code of Ethics
 - A 'breach' of the Staff Code of Conduct
 - A 'breach' of the ECA Group's Student Code of Conduct by another party
 - A student being assessed as 'Not Yet Competent' when the student believes the assessment tool and procedures were in some way invalid – either inappropriate or not implemented correctly, and/or
 - A student having a PRISMS entry made which they believe is unjustified on grounds such as the availability, compliance and/or implementation of ECA policies and procedures,
 - A student wishes to raise the issue as a complaint, notwithstanding the possibility of that matter being considered and treated as a "serious incident".
- 4.3. ECA Group's Complaints and Appeals Policy:
- ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
 - is publicly available;
 - sets out the procedure for making a complaint or requesting an appeal in a flow chart for easy understanding by students;
 - ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - provides for review by an appropriate party independent of ECA Group and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- 4.4. If the complaint or appeal is difficult to resolve or if it requires more than 60 calendar days to process and finalise the complaint or appeal, ECA Group will:
- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - regularly update the complainant or appellant on the progress of the matter.
- 4.5. ECA Group securely maintains records of all complaints and appeals and their outcomes; and identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.