

COMPLAINTS AND APPEALS

OVERVIEW

New Cambridge College Sydney (NCCS) maintains a supportive and fair environment, which allows training participants, staff and stakeholders to lodge complaints. Complaints are ideally resolved as amicably as possible using this formal appeal process.

NCCS provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

NCCS's dispute resolution process do not circumscribe the student's right to pursue other legal remedies. This agreement and availability of complaints and appeal processes does not remove the right of the student to take action under Australia's consumer protection laws.

COMPLIANCE

This policy ensures compliance with **Standard 10** of the National of Practice for Providers of Education and Training to Overseas Students 2018 and is provided to students in compliance with **Standard 6**.

This policy is provided to students on the NCCS website, summarised in the International Student Handbook and is discussed during the Compulsory Orientation

RESPONSIBILITY

It is the responsibility of the RTO Manager to receive and communicate with all parties involved in the complaint and to ensure relative action is carried out in a timely manner to resolve the complaint.

The Principal is responsible for ensuring all Complaints and Appeals are dealt with in a sensitive manner and in accordance with NCCS's policies and procedures.

REQUIREMENTS

NCCS is committed to providing students with a fair complaints and appeals process that is carried out free from bias, in a professional, fair and transparent manner and are responded to promptly, fairly and objectively, with sensitivity and confidentiality.

1. NCCS's Complaints and Appeals procedure is made available to the student at no extra cost.
2. NCCS will commence the assessment of the complaints and appeal within 10 working days of it being made and finalise the outcome as soon as practicable.
3. Where matters are in relation to a complaint about another student or staff member, NCCS will ensure a non-biased approach and will involve all persons and parties related to the matter and allow all parties to present their sides.

4. Any appeals received in relation to a student's suspension or reporting will be dealt with in full before the student's suspension or reporting is carried out

POLICY

1. Nature of complaints and appeals

- NCCS responds to all allegations involving the conduct of:
 - The RTO, its trainers and assessors and other staff.
 - Any third-party providing Services on behalf of NCCS and including education agents.
 - Any student or client of NCCS.
- Complaints may be made in relation to any of NCCS 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 NCCS to be reviewed. Decisions may have been about:
 - course admissions
 - refund assessments
 - response to a complaint
 - assessment outcomes / results
 - other general decisions made by NCCS

2. Principles of resolution

- NCCS 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, NCCS 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.
 - Are able to 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.
- NCCS 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 NCCS, 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 or 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 NCCS head office attention to the Principal.

When making a complaint or appeal, provide as much information as possible to enable NCCS 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 have to support your complaint or appeal.
- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

4. Timeframes for resolution

- 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 NCCS will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third-party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the complaint or appeal.
- 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, NCCS 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 NCCS maintains the student's enrolment as follows:
 - If the appeal is against NCCS 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 NCCS decision to report.
 - If the appeal is against NCCS decision to defer, suspend or cancel a student's enrolment due to misbehaviour, NCCS will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

6. Independent Parties

- NCCS 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 NCCS.
 - For international students, the independent party is the Office of the Commonwealth 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 Office of the Commonwealth Ombudsman. See information under external complaint avenues.
 - NCCS 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 Principal 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 NCCS.

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:
 - Online Form: <https://www.dese.gov.au/national-training-complaints-hotline>
 - 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 NCCS registering body, Australian Skills Quality Authority (ASQA). However, it should be noted that ASQA is not a consumer protection agency and cannot act as an advocate for individual students.

Please refer to the relevant webpage below before making a complaint to ASQA:
<https://www.asqa.gov.au/complaints>

- The Office of the Commonwealth Ombudsman
International students may complain to the Ombudsman if their complaint is in relation to NCCS:
 - 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 NCCS.

The Ombudsman 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:
<https://www.ombudsman.gov.au/How-we-can-help/overseas-students/private-education-providers>

8. Records of complaints and appeals

NCCS 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.

PROCEDURE

Complaints and Appeals Form

To ensure that all student matters are dealt with promptly and appropriate, students should speak with their Trainer or Student Services if there is anything they want to discuss or bring to the College's attention.

Students may bring a support person of their choice to any meeting.

NCCS uses an escalation system for dealing with Complaints and Appeals. The Complaints and Appeals process is explained to students during their compulsory Orientation.

If the matter is serious or requires ongoing attention then staff will provide students with a 'Complaints and Appeals Form', students may also access this through our website under www.nccs.nsw.edu.au/policies-and-procedures/.

The 'Complaints and Appeals Form' is used for such things as:

- Reporting an incident
- Requesting improvement within the College
- Requesting a review of an assessment result (Note: This is different to requesting reassessment)
- Requesting to appeal an Intention to Report to Immigration
- Requesting a review of the outcome of a previous complaints and appeals form or an unresolved complaints and appeal
- Requesting a Payment Plan (Non-payment Intervention)

NCCS 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.

Student Complaints

Any students wishing to raise a complaint should:

- 1. Discuss with staff**

The student should discuss the issue with their Trainer or a member of staff to discuss details of the complaint. During this time the student and staff member will attempt to resolve the matter with the student. If it is not able to be resolved a '*Complaints and Appeals Form*' should be provided to the student.

- 2. Complete a '*Complaints and Appeals Form*'**

The student can request a '*Complaints and Appeals Form*' from Student Services or download it from the NCCS website.

The completed *Complaints and Appeals Form* should be provided directly to the RTO Manager either in person or via email.

- 3. Meet with the RTO Manager**

During the meeting the Student and the RTO Manager will discuss the details of the complaint and take note of any further details and decided on a completion timeframe. The student may also discuss how they would like to see the complaint resolved.

(Note: Students may bring a support person to any meeting at the College, so long as the person is not directly involved in the matter being discussed).

- 4. Take action**

The RTO Manager will decide, in consultation with the Principal, Admissions & Student Services Manager and relevant staff, action to be taken and ensure all actions are carried out in a timely manner.

Action may involve meeting separately with any other person involved with the complaint.

- 5. Review action taken and close out complaint**

Once suitable action has been taken, the RTO Manager and the Student will meet to discuss the action taken and determine whether any further action is to be taken.

If the student is happy and the complaint has been resolved, the complaint may be closed out.

- 6. Escalation**

If the student is not happy with the outcome of the appeal or the action taken they may either commence the Complaints and Appeal process again and escalate to the Principal for action or take the matter to the Ombudsman

Escalation

When a student is not happy with the outcome of a complaint the following appeal process is followed.

- The appeal is discussed with the Principal.

- The Principal records the Student's dispute on the Continuous Improvement Register and puts written notification on the student's file
- The Student is referred to the external complaint avenues listed above

ASSOCIATED DOCUMENTS AND FORMS

- *Complaints and Appeals Form*
- *Complaints and Appeals Register*
- *Continuous Improvement Register*

DOCUMENT CHANGES AND MODIFICATIONS

Date	Summary of changes	Approved by
06/07/2020	Updated formatting	Samantha
16/02/2021	Combined Policy and Procedure together	Samantha
03/05/2021	Update minor typing	Samantha
10/03/2023	Review and update of procedure	Samantha
18/10/2024	Update to relevant roles	Catherine