

Complaints and Appeals Process

Purpose

This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals lodged with Bright Minds Point (BMP) can be resolved, equitably and efficiently, in accordance with the principles of natural justice. The Complaints Policy is there to manage and respond to allegations involving the conduct of BMP, its trainers, assessors, or other staff, its education agents, a third party providing services on BMP's behalf, its trainers, assessors or other staff or student of BMP.

Definitions

Complaints and Appeals include, but are not restricted to, matters of concern to a student or staff member relating to training delivery and assessment including the quality of the training, student support, learning materials, discrimination; and sexual harassment,

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know of what s/he is accused;
- All parties are told the decision and the reasons for the decision.

Policy

BMP acknowledges that a student, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation. The student has the right to present the complaint or appeal formally as well as in writing.

BMP will manage all complaints and appeals fairly, professionally and efficiently as possible and commences assessment of the formal complaint or appeal within 10 working days of lodgement, and finalise the outcome as soon as possible.

BMP ensures that the student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings

BMP will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation.

BMP seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment. Confidentiality will be maintained throughout the process of making and resolving complaints.

A copy of this Policy is available to all students and staff via Student Handbook available on website and the information on this policy is also provided during orientation.

BMP ensures to provide students with written outcome of the complaint or appeal with reasons for the outcome

Where a complaint or appeal cannot be resolved through internal processes, BMP informs students, within 10 days of concluding the internal review, the right to access an external complaints handling and appeals process at a minimum or no cost.

BMP will maintain the student's enrolment while the complaints and appeals process is ongoing. This does not necessarily mean that a student will remain in class. For overseas students, to 'maintain the student's enrolment' means BMP does not record any changes PRISMS.

BMP retains records of complaints or appeals the outcomes.

If the internal or external complaints handling or appeal process results in a decision or recommendation in favour of the student, BMP implements the preventative or corrective action required by the decision and advise the student of that action.

Informal Complaint Resolution Procedure

Students are encouraged to discuss the issue / complaint with appropriate staff member informally to see if it can be resolved.

Formal Complaint / Appeal Resolution Procedure

Should a student have a formal complaint or appeal, the following steps are to be followed;

1. The student should put the following information relating to the complaint or appeal in writing using BMP's Feedback or Appeals Form.
 - A description of the complaint or appeal;
 - State whether they wish to formally present their case;
 - Steps taken thus far to deal with issue / complaint;
 - What outcomes they would like to fix the problem & prevent it from happening again.
2. The student should lodge the Feedback or Appeals form to the Office Administrator. Office Administrator acknowledges the complaint or appeal in writing within 10 working days of the receipt. The Office Administrator forwards written complaint or appeal to the CEO or their delegate.
3. Formal appeal request must be lodged within 7 days of students receiving decisions, including assessment decisions from BMP.
4. Students can make an appointment with the CEO or their delegate to formally present the case. The CEO or their delegate makes a decision and recommends appropriate action and provides a written outcome.
5. CEO or their delegate, while deciding the outcome of the complaint or appeal considers all applicable policies, student enrolment conditions and evidence provided with due consideration given to principles of natural justice and procedural fairness.
6. If the complaint is not finalised within 60 days, BMP informs the complainant or appellant in writing, including reasons why more than 60 days are required and regularly updating on the progress of the matter to student.
7. Should the issue still not be resolved to the student's satisfaction, the student has right to access an independent external agency to resolve the issue. Students can refer their

complaint or appeal to National Training Complaints Hotline who can assist students and refer their issue to appropriate agency. Contact No: 13 38 73 website:

<https://www.education.gov.au/NTCH>

8. Overseas students are advised to contact Overseas Students Ombudsman (<http://www.ombudsman.gov.au/about/overseas-students>)
9. If the external appeals process results in a decision that supports the student, BMP will immediately implement any decision and/or corrective and preventive actions required and advise the student of the outcome.
10. All documentation relating to complaints or appeals should be archived for audit purposes.
11. The CEO will be person responsible for the implementation and maintenance of the policy.

Related Standard

Clause 6.1

The RTO has a Complaints Policy to manage and respond to allegations involving the conduct of:

- a) the RTO, its trainers, assessors or other staff*
- b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff or*
- c) a student of the RTO.*

Clause 6.2

The RTO has an Appeals Policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

Clause 6.3

The RTO's Complaints Policy and Appeals Policy:

- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;*
- b) are publicly available;*
- c) set out the procedure for making a complaint or requesting an appeal;*
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and*
- e) provide for review by an appropriate party independent of the RTO 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.*

Clause 6.4

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- a) *informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and*
- b) *regularly updates the complainant or appellant on the progress of the matter.*

Clause 6.5

The RTO:

- a) *securely maintains records of all complaints and appeals and their outcomes, and*
- b) *identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.*

Clause 6.6

Not Applicable

National Code 2018 Standard 10

10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

10.2 The registered provider's internal complaints handling and appeals process must:

10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally

10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services

10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable

10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings

10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner

10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome

10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.

10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must

immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.