



Complaints and Appeals Policy and Procedure

Version 3.0





Complaints and Appeals Policy and Procedure

STATUS, DETAILS AND SUMMARY OF CHANGES

DETAILS AND STATUS			
Policy No/Refence	CAAPP-AA		
Policy Category	Academic and Governance		
Version	3.0		
Status	Current	Effective from	01.10.2024
Review Date	01.10.2026	Responsibility	Compliance Manager
Standards and Legislative References	ESOS National Code 2018 – Standard: 10 Standards for RTOs 2015 – Standard: 1.7, 5.4, 6.1 – 6.6		
Enquiries	Academic Manager: joy.academic@asia.edu.au		
Accessible from	Moodle	<input type="checkbox"/>	Website/CEO’s Office <input checked="" type="checkbox"/>
VERSION CONTROL AND SUMMARY OF CHANGES			
Version	Date	Description of Changes	
1.0	01.08.2021	Introduction of the policy	
2.0	01.10.2023	Categorisation of complaints and appeals	
3.0	01.10.2024	Definitions are added.	





Purpose

This Policy establishes the principles and framework for resolving complaints and grievances at ASIA, encompassing both academic and non-academic decisions. It aims to ensure a fair, equitable, transparent, and timely process for handling complaints and appeals, thereby enhancing the student experience. Clear and practical guidelines are provided to ensure that student complaints, grievances, and appeals are addressed in accordance with the principles of natural justice, fairly, efficiently, and effectively.

This Policy also ensures the provision of comprehensive, free, and easily accessible information about the process to all students, including their right to escalate a complaint or appeal to a relevant external agency.

Objective

This Policy and Procedure aims to ensure that ASIA maintains:

- Suitable and appropriate complaints and appeals processes, procedures, and protocols.
- A robust policy framework that complies with internal and external complaints and appeals processes.
- Personnel who understand and fulfill their responsibilities and obligations regarding complaints and appeals.

Scope

This policy and procedure apply to all current, prospective, and former students and staff of ASIA. It covers complaints and appeals related to the student experience, including but not limited to:

- Admissions
- Academic programs
- Assessment
- Student progress
- Breaches of academic integrity
- Bullying, discrimination, or harassment
- Administrative operations

Complaints and appeals may also be lodged against or in relation to:

- ASIA, its trainers, assessors, or other staff





- Education agents
- Third-party service providers acting on ASIA's behalf (e.g., contracted trainers and assessors)
- Assessment/RPL outcomes
- Fees, refunds, and re-crediting
- Other ASIA students

Definitions

For the purposes of this policy, and associated Procedures, the following definitions apply:

ASQA – Australian Skills Quality Authority, the national VET regulator for RTOs.

RTO – Registered Training Organisation.

VET – Vocational Education and Training.

ASIA – Astral Skills Institute of Australia

Policy Statements

ASIA students have access to fair and impartial appeal and complaint resolution processes that provide for:

- Natural justice and procedural fairness.
- Transparency, accountability and confidentiality.
- Effective, reciprocal communication and feedback.
- The handling of grievances informally where possible and if appropriate.
- Resolution of grievances as early as possible and as close as possible to the source of dissatisfaction.
- The provision of regular procedural review.
- The enhancement of the appeals process and outcomes.

Principles

(a) Accessibility and Awareness

ASIA takes all reasonable steps to ensure that all prospective students, current students, client organizations, and staff are aware of and have access to this Complaints and Appeals Policy. Students receive information about this Policy prior to admission, during orientation, and via ASIA website.





(b) Complaint Submission and Handling

Complainants are expected to submit complaints or appeals responsibly. ASIA treats all complaints and appeals seriously and respects the rights of all parties. All complaints must be made individually. Malicious complaints are considered student misconduct and are addressed in accordance with ASIA's Student Code of Conduct.

(c) Rights and Confidentiality

The rights of all parties involved in a complaint or appeal are protected. Requests for privacy and confidentiality will be considered by the staff member managing the complaint, in consultation with the support person and/or the complainant as appropriate. Staff requiring guidance on confidentiality should consult the CEO.

(d) Local Resolution and Formal Process

Where possible, complaints will be addressed at the local level, involving those directly affected, to facilitate informal resolution. If informal resolution is unsuccessful, complainants may lodge a formal written complaint or appeal in English. All written complaints and appeals must be brought to the attention of the CEO for review. Receipt of the complaint or appeal will be acknowledged in writing within two business days, and all reasonable measures will be taken to finalize the process within 15 business days. There is no fee to lodge an internal complaint or appeal.

(e) Support and Representation

Any party to a complaint may be assisted or accompanied by a support person at relevant meetings. Legal representation may attend with seven business days' notice.

(f) Communication and Updates

All parties involved in a complaint or appeal will receive regular written updates on progress and outcomes, including the reasons for the decision.

(g) Enrolment Status during Process





A student will remain enrolled and continue their studies during the complaint or appeal procedure, except in circumstances where their health or safety, or the health or safety of others, is potentially at risk.

(h) Withdrawal of Complaint

A complainant may withdraw their complaint or appeal at any time by promptly notifying the staff member managing the complaint or appeal in writing. The staff member will advise all parties in writing within three business days that the complaint or appeal has been withdrawn. ASIA reserves the right to investigate the complaint or appeal even after withdrawal.

(i) External Agencies

A student has the right to refer a complaint or appeal to a relevant external agency at any time. ASIA may take further action in response to the complaint or appeal following the external agency's determination. Relevant external agencies may include, but are not limited to, the Equal Opportunity Commission, Australian Human Rights Commission, Legal Aid NSW, Commonwealth Ombudsmen or the Police.

(j) Implementation and Penalties

Any action arising from a complaint or appeal will be implemented expeditiously in accordance with the relevant ASIA policy or procedure. Penalties may be imposed against anyone who victimizes or retaliates against a complainant or a support person

Roles and Responsibilities

(a) CEO Oversight

The CEO is responsible for the application of this Policy and may delegate all or part of this responsibility to an ASIA staff member.

(b) CEO or Delegate Responsibilities

The CEO, or their delegate, is responsible for the following:





- Establishing and maintaining procedures to oversee and monitor the implementation of this Policy and the Complaints and Appeals Procedure.
- Providing ASIA Committee with an annual report on student complaints and appeals.
- Escalating complaints that may significantly impact reputational risk to the Senior Management Team.
- Reviewing and addressing complaints and appeals lodged by students relating to academic and non-academic matters, as outlined in the Complaints and Appeals Procedure.
- Ensuring students receive information about the complaints and appeals process and providing assistance with resolution.

Handling Complaints: General Processes and Procedures

While ASIA strives to provide satisfactory services and resolve student complaints informally, formal resolution may be necessary. Students may also appeal complaint outcomes or educational determinations (e.g., assessment results). In such cases, ASIA must implement its documented internal complaints and appeals process and policy, providing overseas students with comprehensive, free, and readily accessible information about these procedures.

ASIA's Internal Complaints Process Requirements: ASIA's internal complaints process must adhere to the following:

- Formal Complaint/Appeal Lodgement:** Provide a formal complaint or appeal lodgement process for unresolved informal matters.
- Scope:** Address student complaints/appeals regarding their interactions with ASIA, its education agents, or any related party contracted by ASIA to deliver the course or associated services.
- Timely Assessment and Resolution:** Commence assessment of the complaint/appeal within 10 working days of lodgement, in accordance with ASIA's complaints handling policy and process, and finalize the outcome as soon as practicable.





- d) **Student Representation:** Provide students the opportunity to formally present their case at minimal or no cost, and to be accompanied and assisted by a support person of their choice at any relevant meetings.
- e) **Impartiality and Transparency:** Conduct the assessment of the complaint or appeal in a professional, fair, and transparent manner.
- f) **Written Outcome Notification:** Provide the student with a written statement of the appeal outcome, including detailed reasons for the decision.
- g) **Record Keeping:** Maintain a written record of the complaint/appeal, including the outcome and the rationale behind it.

Staff Rights: ASIA staff also have the right to utilize this complaints process.

ASIA's Approach to Complaints and Appeals:

ASIA will approach all complaints and appeals with an open mind and endeavour to resolve issues through discussion and conciliation. If resolution through discussion and mediation is unsuccessful, ASIA will engage an appropriate external and independent agent to mediate between the parties.

Confidentiality and Privacy:

ASIA recognizes confidentiality concerns and is committed to fair treatment, respecting and upholding individual privacy rights under the Australian Privacy Principles within the Privacy Act 1988 (as amended). ASIA respects workplace privacy rights for all individuals and has implemented a program to ensure compliance with the APPs.

Formal Resolution and Student Recourse:

ASIA acknowledges that despite its best efforts, some complaints may require formal resolution. Students have the right to pursue resolution for any complaint or appeal, with the aim of reaching a mutually satisfactory outcome. There is no cost to the student unless the matter is referred to a third party.





Grounds for Complaints

Complaints may be submitted regarding any of ASIA's services and activities, including but not limited to:

1. Application and enrolment processes
2. Marketing information
3. Education agent conduct
4. Quality of training and assessment
5. Training and assessment matters (including student progress, support, and assessment requirements)
6. Treatment by ASIA staff or associates
7. Actions of other students
8. Personal safety concerns
9. Customer service and administration
10. Issuance of results, certificates, and statements of attainment
11. Learning resources
12. Fees and fee changes
13. Student amenities and facilities
14. Discrimination
15. Sexual harassment
16. Other arising issues

Appeals Process

Stakeholders dissatisfied with ASIA's decision regarding their complaint may appeal the decision.

ASIA's Commitment to Fair Process

ASIA is committed to a procedurally fair, unbiased complaints and appeals process, adhering to the principles of natural justice. This policy and procedure ensure that complaints and appeals are:





1. Addressed consistently and transparently.
2. Handled promptly, objectively, sensitively, and confidentially.
3. Cost-free to the individual.
4. Used to identify potential root causes and implement preventative measures, as well as identify areas for improvement.
5. Viewed as opportunities for organizational improvement.
6. Approached with a client-focused perspective to prevent recurrence.
7. Resolved promptly, objectively, sensitively, and confidentially.
8. Treated confidentially, respecting the views of all parties (complainant, appellant, and respondent), without discrimination or victimization.
9. Dealt with fairly, equitably, and consistently.

Student Rights and Information

ASIA must ensure students are fully informed of their right to lodge a complaint or appeal. Students must be informed that the investigator(s) will not be the subject of the complaint or appeal.

Procedures

	Procedure steps	Responsibility	References
1	Informal Compliant	Trainer; Administration	
2	Formal Complaint	Trainer; Academic/Administration Manager; CEO	

Availability of Complaints and Appeals Information

The complaints and appeals policy, procedure, and form are accessible to all current and prospective students through the following channels:

1. Direct contact with ASIA (e.g., reception desk, email)
2. ASIA's website
3. Pre-enrolment materials
4. Student Handbooks





Informal Complaint Resolution

Whenever possible, informal resolution attempts will be made. These may include:

1. Advice and discussions
2. Meetings with the student
3. Email correspondence
4. General mediation

Any staff member can participate in this informal process. However, once a formal complaint or appeal is submitted, the formal procedures outlined below must be followed.

Formal Complaint Process

If a student is uncomfortable addressing the issue directly with the involved person or if informal resolution is unsuccessful, the formal process (detailed below) should be initiated.

Assessment Appeals

Disagreements with assessment decisions will be handled under the assessment appeals process.

Formal Complaints at ASIA

Any student, prospective student, employee, or third party can submit a formal complaint to ASIA. All complaints will be handled with integrity and privacy. The process is free of charge unless referred to an external party. Complainants have the right to seek external advice and support at any stage, though associated costs are their responsibility unless authorized by the CEO.

Submitting a Formal Complaint

Formal complaints are submitted via the Complaints and Appeals Form, providing detailed information about the issue. This form is available from ASIA's administration staff or website. All formal complaints are submitted to the Administration Manager/CEO.

Complaint Handling Process

1. Registration and Acknowledgement: Upon receipt, the complaint is logged in the Complaints and Appeals Register, and written acknowledgement is sent to the





complainant. The register is regularly monitored by the Administration Manager and contains the following information:

- Complainant's name
- Date of complaint
- Type of complaint
- Assigned investigating officer/business unit
- Response from involved parties
- Analysis of the matter
- Complaint outcome
- Recommended actions for systemic issues (if any)
- Investigation duration
- Complainant's satisfaction with the outcome

2. Referral and Investigation: The Administration Manager refers the complaint to appropriate staff or the CEO for resolution within 10 working days, keeping the complainant informed of progress and outcomes.
3. Delays and Updates: If a decision requires more than 60 days, the student receives written notification explaining the delay and subsequent weekly written updates. Weekly updates are provided by the Administration Manager. If the process exceeds 60 days, the complaint may also be referred to an external resolution organization.
4. Decision Notification: Once a decision is reached, the Administration Manager informs all parties in writing.

Appeals Process

If the decision is unfavourable to the student, they are notified within 10 working days of their right to appeal. Appeals must be submitted in writing, stating the grounds for appeal, within 10 days of the decision notification.





Implementation of Decisions

ASIA will immediately implement any decision favouring the student, including corrective and preventative actions, and inform the student of the outcome.

Documentation and Record Keeping

All documentation, outcomes, and required actions are recorded in the Complaints and Appeals Register and the student's file by the Administration Manager or a representative. Students may have a support person present at any face-to-face meetings throughout the process.

Appeals at ASIA

All students can appeal ASIA's decisions if reasonable grounds exist. Appealable decisions include:

1. **General Appeals:** Decisions made after a complaint has been handled by ASIA, as described in the complaints process.
2. **Assessment Appeals:** Decisions related to assessments (detailed separately).

Initiating an Appeal

Students initiate the appeals process by completing the Complaints and Appeals Form, summarizing the grounds for appeal and explaining why the decision is considered unfair. ASIA staff can provide assistance with this process. For general appeals, the Complaints and Appeals Committee determines the appeal's validity, organizes meetings with involved parties, and seeks resolution where appropriate.

Appeals Process

The formal appeals process begins within 10 working days of lodging the appeal. The Complaints and Appeals Committee ensures ASIA acts on any substantiated appeal.

Complaints and Appeals Committee

The Complaints and Appeals Committee consists of three members selected from the following group:

- CEO





- Administration Manager
- One other person nominated by the CEO

ASIA Appeals Process

This document outlines the appeals process for students at ASIA, covering general appeals, assessment appeals, and external appeals.

General Appeals

1. **Notification:** Students appealing a formal complaint decision must notify ASIA in writing **within 20 working days**, stating the grounds for appeal and attaching supporting documentation.
2. **Lodging the Appeal:** The appeal is lodged through the Complaints and Appeals Committee, which records the details in the Complaints and Appeals Register.
3. **Committee Review:** The Committee reviews the initial complaint documentation and makes a decision based on the appeal's grounds.
4. **Notification of Outcome:** The student receives written notification of the outcome with reasons for the decision. The Complaints and Appeals Register is updated.
5. **External Appeal Option:** If unsatisfied, the student can activate the external appeals process (detailed below) and must notify ASIA of their intent to proceed.

Assessment Appeals

1. **Initial Contact:** Students appealing an assessment must first notify their Trainer.
2. **Re-assessment Option:** The Trainer may re-assess the student for a fair decision and provides a written report explaining the re-assessment decision.
3. **Formal Appeal:** If still unsatisfied, the student formally lodges an appeal with the Complaints and Appeals Committee, which is recorded in the Complaints and Appeals Register.
4. **Manager Review:** The Administration/Training Manager reviews details from the Trainer and other relevant parties. A decision is made either upholding the original assessment or arranging a re-assessment by a third-party Trainer appointed by ASIA.
5. **Notification of Outcome:** The student receives written notification of the outcome with reasons for the decision. The Complaints and Appeals Register is updated.





6. External Appeal Option: If unsatisfied, the student can activate the external appeals process (detailed below) and must notify ASIA of their intent to proceed.

External Appeals

1. Request for Review: If unsatisfied with the Stage 2 decision, the student can request an external review through:
 - o Commonwealth Ombudsman: www.ombudsman.gov.au/complaints/international-student-complaints
 - o Legal Aid NSW: www.legalaid.nsw.gov.au
2. Cost Sharing: Mediation expenses (mediator's fee, room hire, travel) are shared equally between ASIA and the complainant.
3. Implementation of Recommendations: ASIA implements recommendations from the external review within 10 working days of receiving them.

Further Information on the ASIA Complaints and Appeals Process

This section provides additional information regarding the ASIA complaints and appeals process, including escalation to ASQA, staff involvement, compliance standards, principles of natural justice, and student support.

Escalation to ASQA

If dissatisfied after exhausting ASIA's internal processes, clients can complain directly to ASQA if they believe ASIA breached its legal requirements. This involves completing the "Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA won't act as an advocate, the complaint informs their risk assessment of ASIA and may trigger a complaint audit.

ASQA Contact Details:

- Melbourne: Level 6, 595 Collins Street
- Brisbane: Level 7, 215 Adelaide Street
- Sydney: Level 10, 255 Elizabeth Street
- Canberra: Ground Floor, 64 Northbourne Avenue
- Perth: Level 11, 250 St Georges Terrace
- Adelaide: Level 5, 115 Grenfell Street





- Hobart: Level 11, 188 Collins Street

Telephone: 1300 701 801

Email: complaintsteam@asqa.gov.au

Website: www.asqa.gov.au

ASIA Staff and Continuous Improvement

ASIA staff can also use this process. All complaints are used for continuous improvement.

Compliance and Standards

This policy complies with VQF and National Code Standards for complaints and appeals processes.

Principles of Natural Justice and Procedural Fairness

The following principles are observed:

- All parties have the opportunity to present their case and have it considered.
- Allegations against ASIA staff or subcontractors are disclosed to the accused.
- Investigations and decisions are made without bias.
- Complainants are protected from discrimination.
- Confidentiality is maintained, involving only necessary people.

Information Availability

This policy information is available:

- On ASIA's website
- In the Pre-Enrolment Handbook and Learner Handbook
- In the Staff Handbook
- In the Letter of Offer and Agreement
- During Orientation

Student Support

- Students can have an independent person or friend accompany them during the process.





- Students typically remain enrolled and continue studies during the process, except in cases of suspension or exclusion due to a Student Code of Conduct breach, which remains in effect until expiry or a decision in the student's favour.
- ASIA provides a fair and transparent process, with access to an independent mediator for review if needed.

Implementation of Outcomes

If the outcome favours the appellant, ASIA implements recommended changes immediately and notifies the appellant of the outcome and actions.





General Process to lodge a complaint or internal appeal

Topic	Process
Availability of Complaints and Appeals Policy and Procedures	Accessible via direct contact with ASIA, the ASIA website, and pre-enrolment/student handbook.
Informal Complaints	Prioritize informal resolution through advice, discussions, meetings, emails, and general mediation involving any staff member. Formal procedures are initiated if informal attempts fail.
Formal Complaint/Appeal	Submit a written complaint using the Complaints and Appeals Form, providing detailed information. The form is available from ASIA Administration staff or the ASIA website.
Receipt and acknowledgement	The Administration Manager reviews all complaints upon receipt and acknowledges receipt in writing to the complainant, recording details in the Complaints and Appeals Register.
Review of Complaint or Appeal	The complaint/appeal is forwarded to the designated reviewer (see table below - <i>table not provided in the current context</i>)
Cost	Lodgement and presentation are free. Incidental expenses (travel, phone) are not reimbursed.
Presentation of case	Complainants/appellants can formally present their case, accompanied by a friend or third party for support (including language assistance), at their own cost.





Determination	The Review Person may gather evidence and form a review committee as needed. This process should begin within 10 working days of the complaint/appeal lodgement (and receipt of all supporting evidence) and conclude within a reasonable timeframe, typically 10-15 working days . If additional evidence is required, the Review Person must contact the complainant/appellant within 3 working days . The process is paused until the evidence is provided. The decision-making process will be explained in the written response.
Timescale	The process typically commences within 10 working days of receiving the completed form and supporting materials. See the "Determination" section above regarding requests for supplementary information.
Appeal following a complaint	If dissatisfied with the decision, the complainant may appeal based on the fairness and objectivity of the decision.
Formal response to a complaint or appeal	Formal written response is sent usually by email for both accepted and rejected complaints and appeals. The response outlines the complainant's right to access the Internal or External Appeals process, as applicable
Documentation	All related documentation (forms, evidence, meeting minutes, correspondence) is confidentially recorded in the student file and securely stored for 7 years. This documentation helps identify potential complaint/appeal causes, enabling ASIA to take corrective actions.
Complaints and Appeals Register	All formal complaints/appeals are logged in the Complaints and Appeals Register.





<p>Learning and Continuous Improvement</p>	<p>Complaints and appeals are considered learning opportunities for ASIA, contributing to continuous improvement. Decisions favouring students are implemented immediately.</p>
<p>Standards for Registered Training Organisations 2015</p>	<p>Subject to Clause 6.6, to be compliant with Standard 6 ASIA has the following procedures in place:</p> <ol style="list-style-type: none"> 1. Complaints Policy: ASIA has a policy to address allegations concerning the conduct of: <ol style="list-style-type: none"> a) ASIA, its trainers, assessors, or other staff. b) Third-party service providers, their trainers, assessors, or other staff. c) ASIA students. 2. Appeals Policy: ASIA has a policy to manage appeals for review of decisions made by ASIA or a third-party service provider, including assessment decisions. 3. Policy Features: ASIA's complaints and appeals policies ensure: <ol style="list-style-type: none"> a) Adherence to natural justice and procedural fairness principles. b) Public availability. c) Clear procedures for lodging complaints and appeals. d) Written acknowledgement of complaints and appeals, with timely finalization. e) Provision for independent review if internal processes fail to resolve the issue. 4. Extended Processing Time: If a complaint or appeal requires over 60 calendar days to process, ASIA: <ol style="list-style-type: none"> a) Informs the complainant/appellant in writing, providing reasons for the delay. b) Provides regular progress updates to the complainant/appellant.





Categorisation of Complaints or Appeals at ASIA:

Complaints and appeals at ASIA are categorized as follows to ensure appropriate handling:

Category	Description	Referral
Academic Complaint	Complaints about trainers/assessors, training delivery, and assessment.	Academic Manager
Administrative Complaint	Complaints about administrative and support services and facilities.	Administration Manager
Student Conduct Complaint	Complaints about student misconduct/misbehaviour.	Academic/Administration Manager
Appeal	Requests for review of decisions.	CEO

Review Processes

This policy and associated procedures will be reviewed biennially by the compliance/academic manager.

