



Student Complaints and Appeals

1.0 Purpose

- 1.1 The purpose of this procedure is to define the system available to students for dealing with student complaints and appeals
- 1.2 The purpose is also to ensure compliance with the Standards for Registered Training Organisations 2015, Standard 6 Clauses 6.1 – 6.4 and the National Code Part D Standard 10
- 1.3 The Student Services and Administration Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

2.0 Requirements

- 2.1 This procedure is designed to enable complaints to be made and resolved involving any or all of:
 - the RTO, its trainers, assessors or other staff;
 - a learner of AVTI.
- 2.2 Students who are concerned about the conduct of AVTI are encouraged to attempt to resolve their concerns using this procedure.
- 2.3 The procedure will be implemented at no cost to the student.
- 2.4 The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information
- 2.5 Where AVTI considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
 - Informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - Regularly updates the complainant or appellant on the progress of the matter.
- 2.6 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 2.7 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 2.8 Students will be provided with details of external authorities they may approach, if required
- 2.9 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 2.10 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- 2.11 For complaints and appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
 - The student may be accompanied and assisted by a support person at any relevant meetings.
 - Students will be notified in the event that any complaint or appeal will take longer than 60 days to finalise.
 - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.



- 2.12 The following matters must be lodged as formal internal appeals within 20 working days of notification of an intention to report the student to the Department of Education and the Department of Home Affairs in order to be considered by AVTI.
- Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory course progress
 - Non achievement of course attendance requirements
- 2.13 A student's enrolment must be maintained whilst a complaint, internal appeal and external appeal is in progress and the outcome has not been determined except in cases where AVTI is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. (see the next requirement)
- 2.14 In cases where AVTI is intending to defer, suspend or cancel a student's enrolment due to misbehaviour, on receipt of an outcome of the internal appeals process which supports AVTI's view, unless extenuating circumstances relating to the student's welfare apply, AVTI will notify the Department of Education through PRISMS of the change to the student's enrolment.
- 2.15 Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
- having medical concerns, severe depression or psychological issues which lead AVTI to fear for the student's wellbeing;
 - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
 - being at risk of committing a criminal offence
- 2.16 AVTI will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by AVTI.
- 2.17 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to AVTI Management Group meeting so the matter can be recorded in AVTI Complaints Register and be used as part of the continuous improvement activities of AVTI.
- 2.18 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:-
- Contact a solicitor; or-
 - Contact the Legal Aid NSW on 1300 888 529 for information about your legal problem and contact details for services that might be able to assist you.

3.0 Definitions

- 3.1 N/A

4.0 Procedures

Informal Complaint Process

- 4.1 Any student with an issue, question or complaint may raise the matter with staff of AVTI and attempt an informal resolution of the question or complaint.
- 4.2 Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Institute staff members who are responsible to try and resolve the issue, question or complaint with the student:
- Trainer
 - Academic Manager
 - Student Services & Administration Manager



- 4.3 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the CEO) to AVTI Management Group meeting so the matter can be recorded in AVTI Complaints Register and be used as part of the continuous improvement activities of AVTI.
- 4.4 The staff member will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.
- 4.5 Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint by:
 - Obtaining a copy of the Student complaint form which can be found in the reception desk
 - Completing the Student complaint form
 - Lodging the Student complaint form with the Student Services & Administration Manager
- 4.6 Students having difficulty completing the Student complaint form should ask a trainer or Student Services & Administration Manager to assist them
- 4.7 Once the Student complaint form is lodged with the Student Services & Administration Manager it will be dealt with as described in the formal complaint process below.

Formal Complaint Process – preamble

- 4.8 The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information
- 4.9 A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 4.10 Formal complaints must be lodged using the Student complaint form which can be found in the reception desk.
- 4.11 Formal complaints must be recorded in AVTI Complaints Register

Formal Complaint Process – general complaints

- 4.12 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.
 - Obtaining a copy of the Student complaint form which can be found in the reception desk.
 - Completing the Student complaint form
 - Lodging the Student complaint form with the Student Services & Administration Manager.
- 4.13 Once completed the complaint form is to be lodged with the Student Services & Administration Manager who will arrange for the complaint to be entered on AVTI complaint register and meet with the student to discuss the complaint with the student.
- 4.14 During the formal complaint process:
 - Students will have an opportunity to formally present their case to the Student Services & Administration Manager, in writing or in person at no cost to the student
 - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
- 4.15 Complaints can only be dealt with by the Student Services & Administration Manager. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.
- 4.16 The role of the Student Services & Administration Manager is to:
 - Assist the student register their formal complaint
 - Ensure the resolution phase commences within 5 working days of the written complaint being lodged



- Provide the student, or the students representative, with an opportunity to present their complaint
 - Ensure they fully understand the students complaint
 - Work with the student to identify how the complaint can be resolved to the satisfaction of the student
 - Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
 - Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document
 - Arrange for the proposed resolution to be signed off by the student.
 - Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
 - Ensure that the details of the complaint are recorded in AVTI Complaints Register and reported to AVTI monthly Management Group meetings for continuous improvement purposes.
 - Advise the student to take the complaint to appeal if a resolution cannot be agreed upon
- 4.17 Any complaint raised by a student that the Student Services & Administration Manager considers may be a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury must be reported to the AVTI CEO, or the most senior person available, and will trigger implementation of the critical incident procedure.

Formal Complaint Process – notice of intention to report by AVTI

- 4.18 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to Department of Education and the Department of Home Affairs in order to be considered by AVTI.
- Notice from AVTI of an intention to defer commencement, suspend or cancel a student enrolment
 - Notice from AVTI of its intention to report a student for not achieving satisfactory course progress
 - Notice from AVTI of its intention to report a student for not achieving course attendance requirements
- 4.19 Complaints arising from a notice of intention to report by AVTI must be lodged with AVTI by:
- Obtaining a copy of the Student complaint form which can be found in the reception desk.
 - Completing the Student complaint form
 - Lodging the Student complaint form with the Student Services & Administration Manager
- 4.20 It is the responsibility of the Student Services & Administration Manager to ensure that for complaints arising from a notice of intention to report by AVTI the resolution phase commences within 5 working days of the written complaint being lodged
- 4.21 Complaints arising from a notice of intention to report by AVTI will be heard by a Panel of 3 selected from the AVTI Chief Executive Officer, Principal Executive Officer, Academic Manager and a member of the teaching staff of AVTI (the Complaints Panel). No member of the panel is to have been involved in making the decision to issue the notice of intention to report.
- 4.22 During the formal complaint process:
- Students will have an opportunity to formally present their case to the Complaints Panel, in writing or in person at no cost to the student
 - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
- 4.23 The role of the Complaints Panel is to:



- Ensure the resolution phase commences within 5 working days of the written complaint being lodged
- Provide the student, or the students representative, with an opportunity to present their complaint to the Complaints Panel
- Consider the evidence that AVTI holds which lead to the issuing a notice of intention to report
- Consider the evidence presented by the student or the student's representative
- Ensure they fully understand the complaint and the matters raised by the student or the student's representative
- Review all the evidence and information provided by the student or the students representative and AVTI
- Consider if there are any applicable extenuating circumstances supporting the student's case
- Make an **independent** decision, based on the evidence to either support the student's case and cancel the notice of intention to report or support AVTI case and proceed with the Intention to report
- Within 24 hours of making its decision the panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student
- Advise the student to take the complaint to appeal if they are not satisfied with

Formal Complaint Process – finalisation

- 4.24 At the end of the resolution phase the Student Services & Administration Manager will report AVTI decision in writing to the student within 5 working days. The AVTI decision and reasons for the decision will be documented by the Student Services & Administration Manager and placed in the students file. A copy of this document will be provided to the student.
- 4.25 Following the resolution phase AVTI will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- 4.26 If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the AVTI Management Group meeting so the matter can be recorded in the AVTI Complaints Register and be used as part of the continuous improvement activities of AVTI.
- 4.27 Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the AVTI decision by:
- Obtaining a copy of the Student appeal form which can be requested from the reception desk
 - Completing the Student appeal form
 - Lodging the Student appeal form
- 4.28 Once the Student appeal form is lodged it will be dealt with as described in the Internal Appeal Process below.

Internal Appeal Process - preamble

- 4.29 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to Department of Education and the Department of Home Affairs and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for AVTI to reconsider a decision made by AVTI.
- 4.30 Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by AVTI are encouraged to appeal against the AVTI decision by:
- Obtaining a copy of the Student appeal form which can be found in the reception desk.
 - Completing the Student appeal form



- Lodging the Student appeal form with the Student Services & Administration Manager.
- 4.31 A student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.
- 4.32 The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing.
- 4.33 A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

Internal Appeal Process - general

- 4.34 Internal appeals (except assessment appeals) will be heard by a 3 person panel selected from the AVTI CEO, The Principal Executive Officer, the Academic Manager and a member of the teaching staff of the AVTI (the Appeals Panel). No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.
- 4.35 The role of the Appeal Panel is to:
- Ensure the appeal phase commences within 5 working days of the written appeal being lodged
 - Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal Panel
 - Ensure they fully understand the students appeal
 - Review the evidence and information provided by the student, or the students representative, and AVTI
 - Make an **independent** decision, based on the evidence to either support the students appeal, and reverse the decision by AVTI that lead to the appeal or to support the AVTI case and proceed with the original decision by AVTI.
 - Arrange for the decision to be signed off by the student and the CEO (this is not agreement by the student but to record that the decision has been transmitted to the student)
 - Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student

Internal Appeal Process - assessment

- 4.36 Students appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by AVTI. Costs of reassessment will be met by AVTI.
- 4.37 The recorded outcome from the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 4.38 Only one assessment appeal will be allowed.

Internal Appeal Process – finalisation

- 4.39 The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and AVTI and placed in the student file. A copy of this document will be provided to the student.
- 4.40 Following the internal appeals phase AVTI will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the AVTI continuous improvement process
- 4.41 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the AVTI Management Group meeting so the matter can be recorded in the AVTI Complaints Register and be used as part of the continuous improvement activities of AVTI.
- 4.42 There are no further avenues within AVTI for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available



- 4.43 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
- Obtaining a copy of the Student appeal form which can be found in the reception desk.
 - Completing the Student appeal form and selecting the External appeal option on the form.
 - Lodging the Student appeal form with or the Student Services & Administration Manager.
- 4.44 Once the Student appeal form is lodged with the Student Services & Administration Manager it will be dealt with as described in the External Appeal Process below, and student will be given acknowledgement as an evidence for the lodgement of the student appeal form.

External appeal process

- 4.45 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
- Obtaining a copy of the Student appeal form which can be found in the reception desk.
 - Completing the Student appeal form and selecting the External appeal option on the form.
 - Lodging the Student appeal form with the Student Services & Administration Manager
- 4.46 The purpose of the external appeals process is to consider whether AVTI has followed its student complaint and appeals procedure, not to make a decision in place of AVTI. For example, if a student appeals against his or her subject results and goes through the AVTI internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
- 4.47 For external appeals the independent mediator will be the Overseas Student Ombudsman (for overseas students) phone (02) 6276 0111 or LEADR & IAMA (for domestic students) phone (02) 9251 3366. AVTI will pay for costs of mediation.
- 4.48 The external appeals procedure will be determined by the Overseas Student Ombudsman (for overseas students) or LEADR & IAMA (for domestic students)
- 4.49 The National Training Complaints Hotline is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at skilling@education.gov.au.
- 4.50 Following the receipt of the outcome of the external appeal AVTI must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint
- 4.51 If an appeal is against an Institute decision to report the student for unsatisfactory course progress AVTI must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported AVTI's decision to report.
- 4.52 If an appeal is against an Institute decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment AVTI only needs to await the outcome of the internal appeals process (supporting AVTI) before notifying the Department of Education and the Department of Home Affairs through PRISMS of the change to the student's enrolment.



5.0 Revision history

Revision	Date	Description of modifications
1	April 2016	Original
2	July 2020	Revision
3		
4		