



Complaints and Appeals

PURPOSE

The purpose of this document is to outline Atlantis College of Management's (ACM) Complaints and Appeals process and procedure. It describes the main steps to be undertaken so that complaints and appeals from students could be resolved in a constructive and timely manner, and in compliance with the requirements of the accreditation authorities relevant to the program.

It aims for students to have access to a transparent, fair and prompt process for resolving complaints and appeals. Where possible and appropriate, the complaints/appeals shall be dealt with locally at the level at which the issue of the complaint/appeal occurs. If the complaint/appeal cannot be resolved at the local level, the student will have access to ACM's internal appeal process.

If the matter cannot be resolved through the internal appeal process, then the student will have access to a final hearing by an independent external person or organization. Throughout these processes, no student will be disadvantaged for having made a complaint or appeal.

SCOPE

The policy and procedure applies to complaints and appeals by students of Atlantis College of Management (ACM).

All ACM Employees will be informed at induction and students at orientation of the requirements of the policy and procedure.

DEFINITIONS

Appeal	A written request by a student for a change in decision made by Atlantis College of Management (ACM). Appeals can relate to assessment and other decisions including cancelation of CoE's, Course Progression Warning Letters and Refunds.
CoE	Confirmation of Enrolment
Complaint	A formal complaint is a complaint made by a student, representative of a student, or relative of a student who has provided their written signature for the complaint.
Commonwealth Ombudsman	The Office of the Commonwealth Ombudsman investigates complaints that international students have with private education providers. A private education provider can be a school, college or university in Australia



Student	Any individual currently enrolled or formerly enrolled as a fee-paying customer at Atlantis College of Management (ACM).

POLICY

ACM takes all complaints and appeals seriously. Complaints and Appeals will be resolved quickly and equitably, using the *principles of natural justice*.

The procedures for complaints and appeals will be fair, objective and accessible. The internal complaints and appeals processes will take place at *no cost* to the student who lodges the complaint or appeal.

Any decision to be implemented as an outcome of a complaint or appeal (internal and/or external) which is in favour of the student who lodged it will be immediately implemented along with any preventative or corrective action required.

The student will be advised immediately of a favourable outcome.

The complaints and appeals processes are an important part of the ACM Continuous Improvement process.

PROCEDURES

References and Compliance requirements

Complaints and appeals by learners about actions or decisions made by ACM will be considered in reference to and in compliance with the following:

- Student Code of Practice
- Australian National Privacy Principles (NPP)
- Discrimination Act 2004
- Education Services for Overseas Students Act 2000 (ESOS Act 2000)
- Education Services for Overseas Students Regulations 2001
- Equal Opportunity Act 1995 (Vic)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code 2018)
- Privacy Act 1988
- Standards for Registered Training Organisation 2015

Information about the complaints and appeals process

The Student Services Manager will inform students about the complaints and appeals policy and procedures during the orientation program on the first day of enrolment.

The student handbook, supplied to learners during the first day of enrolment, contains details of the complaints and appeals process.

Applicants for enrolment are provided with information about the complaints and appeals process in the pre-enrolment information with which they are supplied.



The Chief Executive Officer (CEO) is responsible for ensuring that all management staff, student services staff, marketing staff and trainers and assessors at ACM are aware of the policies and procedures for complaints and appeals.

Provision of information about the ACM complaints and appeals process is part is an important aspect of the induction process for new employees.

Finally, the Complaints and Appeals policy and procedure is freely accessibly via ACM's corporate website.

STAGE 1

Informal resolution

Students who wish to make a complaint about an aspect of ACM's service or appeal against a decision made by ACM are encouraged to initially engage in informal discussion about the matter with the staff member or staff members involved.

Students can, additionally or alternatively, discuss the matter with the RTO Manager, Student Services Manager, or the Chief Executive Officer (CEO).

All employees involved in the discussion of an informal complaint or appeal are required to do their best to resolve the matter effectively and quickly in this way.

Lodging a complaint

If an issue about which a student has complained informally cannot be resolved informally, learners who wish to lodge a formal complaint will be requested to do so using the ACM complaint or appeal lodgement form, available from the ACM reception desk or from the Student Services Manager.

Students should submit the form at the reception desk, properly signed and dated, and accompanied by all relevant supporting documentation. Supporting documentation should comprise original documents or certified copies of original documents.

Students will be provided with support in completing the complaint lodgement form. If requested or if it is deemed necessary by the Student Services Manager, a learner wishing to make a complaint will have the complaint lodgement form completed by a member of the ACM Student Services Officers.

Acknowledging the Lodging of a complaint

Each formal complaint lodged by a student will be acknowledged in writing by a member of the student services team designated by the Student Services Manager.

The acknowledgement will be provided to the student in person and sent as an attachment in an email to the student.

A hard copy of the acknowledgement will be posted to the student's postal address.

The ACM Complaints and Appeals Register

Details of each complaint which is lodged are recorded in the *ACM Complaints and Appeals register* and signed and dated by the staff member who accepted the complaint lodgement form.



At this time a copy will be made of the complaint lodgement form and filed in the student's file.

The original will be forwarded to the Student Services Manager.

The Student Services Manager is responsible for ensuring that all of these actions are completed within *one (1) working day* of the lodgement of the complaints

Acting on a complaint

The Student Services Manager will add the complaint as an agenda item for the next scheduled meeting of the ACM Management Committee.

As meeting of the ACM Management Committee is scheduled for the lodged complaint, the matter will be considered within the *10 working days* of the lodgement of the complaint. (This is required by Standard 10.1(e) of the National Code 2018 and applies to both domestic and overseas students).

Consideration of a complaint by the ACM Management Committee

Complaints will be considered by the ACM Management Committee, which comprises ACM's Chief Executive Officer (CEO), RTO Manager, Compliance Manager and Student Services Manager.

Processing of the complaint may require one or more meetings of those involved.

The objective of the process is to reach a determination.

The right to be accompanied by a support person during the complaints/appeals process

At any meeting to discuss a complaint, each involved party may be accompanied and assisted by a support person, according to the *principles of natural justice*.

What can a complaint be about?

A complaint can be about:

- any aspect of the service provided, or not provided by ACM
- the behaviour or decisions of staff, or
- policies and/or procedures of ACM
- any action by any relevant 3rd party



STAGE 2

Lodging an appeal

If a student disagrees with a decision made by ACM or the *ACM Management Committee* the student may lodge a formal appeal.

The Appeal should be submitted at the ACM reception desk using the ACM Complaint or Appeal lodgement form.

An Appeal must be lodged within *twenty (20) working days* of notification of the decision which is being appealed against.

Notifications of decisions which are provided to learners in writing will include a date from which the *twenty (20) working days* available to lodge an appeal applies. The date specified will allow for time for delivery to the student of the notification.

Acting on an appeal

The Student Services Manager will add an agenda item to the next scheduled meeting of the *ACM Management Committee*.

As meeting of the *ACM Management Committee* is scheduled for the lodged appeal, the matter will be considered within the *ten (10) working days* of the lodgement of the complaint. (*This is required by Standard 10.1(e) of the National Code 2018. It is applied by ACM to both domestic and overseas students*).

Consideration of an appeal by the ACM Management Committee

Appeals against decisions will be considered by the ACM Management Committee, which comprises ACM's Chief Executive Officer (CEO), RTO Manager, Compliance Manager and Student Services Manager.

Processing of the appeal may require one or more meetings of those involved.

The objective of the process is to reach a determination.

The right to be accompanied by a support person during the appeals process

At any meeting to discuss an appeal, each involved party may be accompanied and assisted by a support person, according to the principles of natural justice.

Corrective action in the case of an appeal which finds in the student's favour

The notification of the outcome of the appeal will include the reasons for the decision.

If an appeal finds in a student's favour, corrective action may include restoration of the student's record.

What can an appeal be about?

An appeal can be about any decision made by ACM which has an impact on a student.

Internal appeals about ACM's intention to report an overseas student to the Department of Human Affairs (DHA) for breach of *VISA Condition 8202* as a result



of unsatisfactory course progress can be reviewed by an external reviewer (the Commonwealth Ombudsman).

Processing a complaint or appeal

ACM management is committed to processing complaints and appeals effectively and efficiently, according to the following procedures.

Process begins within *ten (10) working days of the formal lodgement of a complaint or appeal*

The process of formal consideration of a complaint or appeal commences within *ten (10) working days* of the formal lodgement of the complaint or appeal.

The formal lodgement of a complaint or appeal must be accompanied by all relevant documentation.

All reasonable measures will be taken to finalise the process as soon as practicable.

Meeting of the ACM Management Committee

The student who lodged the complaint or appeal and a support person will be invited to the meeting of the *ACM Management Committee* which is considering the complaint or appeal.

Any other parties involved in the complaint or appeal and their support persons will also be invited to the meeting.

Provision of relevant documentation

All parties involved in the complaint or appeal will be invited to provide relevant documentation as evidence to be considered by the *ACM Management Committee*.

Documentation provided must be original documents or certified copies of original documents.

Opportunity to formally present the case

The student making the complaint or appeal will be provided with the opportunity to formally present his or her case to the ACM Management Committee.

Questioning

The student and all other parties in the complaint or appeal will be provided with the opportunity to ask questions and will be requested to provide answers to questions which are asked by members of the *ACM Management Committee*.

Consideration by the Management Committee

After the student has presented his or her case, and questioning of and by the student and other parties involved is complete, the student and the student's support person, and all other parties involved in the complaint or appeal, along with their support persons, will be asked to leave the meeting and wait while the committee considers the evidence.

Verbal notification of the outcome



The student and the student's support person and all other parties involved in the complaint or appeal, along with their support persons, will be invited back to the meeting for verbal notification of the interim outcome.

If the student accepts the verbal notification of the interim outcome, it will be formalised with a written statement of the outcome (described below).

Opportunity to request a second meeting

After verbal notification of the interim outcome of the complaint or appeal, the student making the complaint or appeal may request the opportunity for a second meeting at which additional evidence may be presented.

The student should make this request as soon as practicable, but no later than *five (5) working days* after the initial meeting.

The student should make the request in person to the Student Services Manager.

If an additional meeting is requested, it will be agreed to, and scheduled for a date and time suitable for the student, all other parties involved, and the ACM Management Committee.

The date for which the additional meeting is scheduled must be such that the complaints/appeal process can be finalised as soon as practicable.

Procedure for a second meeting

The procedure for the conduct of the second meeting of the ACM Management Committee to consider the additional evidence will be the same as that for the initial meeting, except that the student will not have the opportunity to request an additional meeting following the second meeting.

The student will, however, be able to invoke an external complaint or appeal handling process (see below).

Timeframe for resolving a complaint or appeal

Each formal complaint or appeal will be resolved as soon as practicable. If a complaint or appeal is not finalised *within sixty (60) calendar days*, the complainant or appellant will be informed of why that is the case and provided with an update every five (5) days thereafter.

Notification of the outcome of a complaint or appeal

Each learner making a complaint or appeal is given a written statement of the outcome, including details of the reasons for the outcome.

The form entitled 'complaint or appeal resolution form' is used for this purpose.

Notification of the outcome of an appeal

In the case of an appeal, the document notifying the student of the outcome will summarise the information provided by the student during appeal process, why particular information was or was not taken into consideration, how much weight was given to the supporting documents and why it did or did not meet the grounds of appeal.

Complaint or appeal resolution form



The complaint or appeal resolution form will be emailed to the learner and posted to the learner at the address supplied on the complaint or appeal lodgement form.

The form will be accompanied by a letter which provides a date after which the student has *twenty (20) days to appeal the outcome of the complaint or appeal*.

The letter informs the student that an appeal against a decision made regarding an appeal can only be made if new or additional evidence is supplied.

Appealing against ACM's intention to defer, suspend or cancel enrolment

In the case of overseas students, a notice of intention to defer, suspend or cancel enrolment and report to DHA will clearly identify that the student receiving the notice will be given *twenty (20) working days to access ACM's internal complaints and appeals process*.

The *twenty (20) working days* begins from a date specified in the letter which allows for reasonable time for delivery of the letter.

Notices of intention to defer, suspend, or cancel enrolment are sent by mail to the address on the student's file or by email to the email address on the student's file.

If no appeal is received, then the Student Services Manager is responsible for contacting the student on the *19th working day* following the date specified in the letter in order to provide the student with a final opportunity to lodge an internal appeal. Contact will be made by telephone or email.

For more information, please refer to the ACM Deferment, suspension and cancellation policy.

Withdrawal of a Complaint/Appeal

The student may withdraw a complaint or appeal at any time during the resolution process.

The student must make the withdrawal in writing and submit it to the reception. The reception will then forward it to Student Services Manager. Alternatively, the student may send an email to the RTO Manager.



STAGE 3

External Appeals

An overseas student may lodge an external appeal or make an external complaint about a decision by contacting the *Commonwealth Ombudsman*.

The *Commonwealth Ombudsman* offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

The opportunity to lodge a complaint with the *Commonwealth Ombudsman* applies to former accepted students (students who have ceased studying with ACM) as well as to accepted students.

All students will be provided with information about how to have a decision made by ACM reviewed by an appropriate independent party.

The Commonwealth Ombudsman

All overseas students (including former overseas students who are no longer enrolled with ACM) may avail themselves of the services of the *Commonwealth Ombudsman*.

Information about the opportunity to lodge external appeals or to make complaints externally to the *Commonwealth Ombudsman* is made available to learners in the student handbook.

Basic dispute resolution pathway suggested by the Commonwealth Ombudsman

1. Student is unhappy with their private education provider's decision or action.
2. Student should:
 1. check their written agreement
 2. talk to their provider
 3. check their provider's website for details about how to complain.
3. Student lodges a complaint with their provider.
4. If the student is not satisfied with the outcome of their complaint, they can ask their provider to review the decision (appeal).
5. If the student is still not satisfied with the decision, they can contact our Office to lodge a complaint.

Contacting the Commonwealth Ombudsman

Students can initiate the external appeals process by telephone, in writing, by fax, or using the Commonwealth Ombudsman's online complaint form:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

Students can contact the Commonwealth Ombudsman via telephone, **9am to 5pm Monday to Friday**.

In Australia, call: **1300 362 072** (calls from mobile phones at mobile phone rates).
Outside Australia, call **+61 2 6276 0111**.



Using an interpreter student can make a complaint in their language. Call the *Translating and Interpreting Service (TIS)* in Australia on **131 450**.

Outside Australia call **+61 3 9268 8332**.

Note the *Commonwealth Ombudsman* will pay for the interpreter.

Australian Consumer Protection Laws

Alternatively, the student may choose to take action under *Australia's consumer protection laws*.

If the external review process supports the complaint, ACM will immediately implement any decision and/or action required and advise the student in writing.

If the external complaint or review is not upheld, then the student will be given a written explanation including the reasons for that decision.

Review of decisions by an appropriate independent party

The Student Services Manager is responsible for providing learners with information about the opportunity for review of decisions made by ACM by an appropriate party independent of ACM and the learner, at the request of the individual making the complaint or appeal, if ACM's internal processes fail to resolve the complaint or appeal.

Students will be informed that a mediator can be provided by the *Australian Mediation Association (AMA)*.

ACM will pay the cost of *one (1) mediation session of up to two (2) hours duration*.

Should the matter require further mediation, it will be at the cost of the individual requesting the external review.

Maintaining Student Enrolment

In the case of an overseas student, ACM will maintain the student's enrolment during an external appeals process if the appeal is against ACM's decision to report the student for unsatisfactory course progress.

That is, for an appeal against a decision to report the student for unsatisfactory course progress, ACM will await the outcome of the external process before proceeding, as reporting for unsatisfactory course progress may result in automatic visa suspension.

If the external appeal is against ACM's decision to defer or suspend a student's enrolment due to misbehaviour, or to cancel the student's enrolment, ACM will await only the outcome of the internal appeals process (if it is in support of ACM's decision) before notifying Department of Education through PRISMS of the change to the student's enrolment.

Once Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student *has 28 days in which to leave Australia*, or show DHA a new CoE, or provide DHA with evidence that he or she has accessed an external appeals process



RECORD KEEPING

Collection of data about complaints and appeals

A systematic record of complaints and appeals and their outcomes is maintained to enable ACM to monitor the progress of complaints and appeals and to identify issues about which there are repeated complaints or appeals.

ACM will ensure that enough detail about each complaint or appeal is captured to allow an appropriate level of analysis.

Information about complaints and appeals is recorded in the student *Complaints and Appeals Register*.

Ensuring the currency of the Complaints and Appeals register

The Student Services Manager is responsible for ensuring that the *Complaints and Appeals register* remains current.

Improving policies and procedures in response to complaints or appeals

Recommendations of actions to be taken in response to complaints or appeals are recorded in the minutes of the ACM Management meetings.

The CEO will issue instructions for actions to be taken to improve policies and procedures in response to the recommendations of the *ACM Management Committee*.

Continuous Improvement Register

Information about all improvements to policies and procedures is recorded in the ACM Continuous Improvement Register.

Improvements resulting from responses to complaints or appeals are identified as such. Please refer to the Continuous Improvement Register for details and amendments.

Systemic and recurring problems

Systemic problems are defined as being caused by failures in the course structure, delivery and assessment systems or organisational policies or procedures.

Complaints or Appeals will be categorised so that systemic and recurring problems can be identified and rectified.

This information is available from the register of issues subject to complaints and appeals.

Complaints and appeals monthly summary report

The Student Services Manager is responsible for producing a monthly summary report of complaints and appeals for consideration by the ACM Management Committee.

Information about complaint or appeals management will include:



- number of complaint or appeals received
- amount of time taken to resolve the complaint or appeals
- service improvements made as a result of the complaint or appeals received.
- External reviews by an appropriate independent party
- Mechanisms are available to students for independent reviews of decisions made by ACM

Student Files

The outcomes of any complaints/appeals and the reasons for the outcome will be placed in the student file.

RESPONSIBILITIES

- a) Atlantis College of Management (ACM) is responsible for:
 - ensuring this policy available and freely accessible to all students and employees
 - ensuring that all students and employees are aware of the complaints and appeals process and procedure
- b) The Chief Executive Officer (CEO) is the chair of the *ACM Management Committee* and has overall responsibility for the implementation, continuous improvement and review of this policy
- c) The RTO Manager is a member of the ACM Management Committee
- d) The Compliance Manager is a member of the ACM Management Committee
- e) The Student Services Manager is:
 - a member of the *ACM Management Committee*
 - will inform students about the complaints and appeals policy and procedures during the orientation program on the first day of enrolment
 - is responsible for providing learners with information about the opportunity for review of decisions made by ACM by an appropriate party independent of ACM and the learner
 - is responsible for issuing notices of intention to defer, suspend, or cancel enrolment which are to be sent by mail to the address on the student's file or by email to the email address on the student's file.
 - the management of the *Complaints and Appeals Register*
 - responsible for producing a monthly summary report of complaints and appeals for consideration by the *ACM Management Committee*
- f) Students are required to acknowledge, understand and refer to this policy and procedure as required