

HPPS006 Student Complaints and Appeal Policy & Procedure

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| Version No. | 2.0 |
| Approved by | CEO |
| References and Legislative Context: | Standards for RTOs 2015: Clause 6 National Vocational Education and Training Regulator Act 2011 The ESOS Act 2000 Standard 7: Clause 7.5, 7.6, Standard 10 |

1. Purpose and Legislative Background

Hilton Academy endeavours to create a positive learning environment for students, in which each student has the opportunity to achieve their personal best. Part of maintaining that positive environment is a fair, effective, and transparent complaints and appeals procedure made available to all students and staff. The purpose of this policy and procedure is to provide information and outline the determination for proceeding with an appeal or complaint. Through this policy and the corresponding procedure, we commit to ensuring that students have the right to natural justice by virtue of access to effective, timely, equity and documented complaints handling and appeals processes.

2. Scope

This policy applies to all current and prospective students of Hilton Academy.

3. Responsibility

- 3.1 The **Compliance Manager** is responsible for the overall processing the student complaints and Appeals.
- 3.2 The **Academic Manager** is responsible for contacting the student and trainer for any Intervention strategies needed.
- 3.3 The **Student Experience Coordinator** is responsible for supporting to all the student's enquiries.
- 3.4 The **Training Manager** is responsible for cooperating in investigation process to resolve the issue raised by the student.
- 3.5 The **CEO** holds the overall authority to approve this policy.
- 3.6 **All staff** at HILTON ACADEMY are responsible for adherence to this policy.

4. Definition

- 4.1 **Complaint** is An informal or formal written allegation of a breach of rules, policies or governing regulations of HILTON ACADEMY either by a staff member or a student.
- 4.2 **Appeal** is a request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration.
- 4.3 **Appellant/ Complainant** is a student (or staff member) who wishes to activate the complaints and appeals process.
- 4.4 **External Appeals Process** is a complaint made to an external agency when you have reached the end of the internal appeals process. The External agencies that you can appeal to include:
 - **Ombudsman services**
<https://www.ombudsman.gov.au/complaints/international-student-complaints>
 - **Australian Human Rights Commission**
<https://humanrights.gov.au/complaints/make-complaint>
 - **ASQA**
[Complaints | Australian Skills Quality Authority \(ASQA\)](#)

5. Policy

5.1 Despite all efforts of HILTON ACADEMY are to provide excellent services to its students, complaints may occasionally arise that require formal resolution, or students may appeal against a complaint outcome or educational determination (e.g. Assessment result).

Therefore HILTON ACADEMY has a complaints and appeals policy to:

- a. ensure all students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes;
 - b. ensure the principles of procedural fairness are adopted at every stage of the complaints and appeals process are publicly available;
 - c. set out the procedure for making a complaint or requesting an appeal;
 - d. ensure complaints and requests for appeal are acknowledged in writing and finalised as soon as practicable; and
 - e. provide for review by an appropriate party independent of HILTON ACADEMY 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.
- 5.2** HILTON ACADEMY will follow the complaints and appeals policy to manage and respond to allegations involving the conduct of:
- a. HILTON ACADEMY, its trainers, assessors or other staff;
 - b. a third party providing services on HILTON ACADEMY's behalf e.g. recruitment agent; or
 - c. a student of HILTON ACADEMY.
- 5.3** HILTON ACADEMY Staff also have the right to avail themselves of this process. HILTON ACADEMY views all complaints as an opportunity for continuous improvement.
- 5.4** This policy and procedure is compliant with the VET Quality Framework (VQF), the ESOS Act 2000/National Code 2018 and Standards for RTOs 2015 in providing a process for complaints and appeals to be heard and actioned where necessary.
- 5.5** HILTON ACADEMY will provide:
- 5.5.1** a complaints and appeals procedure that is premised on the principles of confidentiality, fairness, and objectivity. The Access and Equity Policy will apply.
 - 5.5.2** Should students exercise their right to make a formal complaint or appeal, their enrolment at HILTON ACADEMY will be maintained and they will be expected to continue their studies and follow the student code of conduct whilst the complaint and/or appeals processes are underway.
 - 5.5.3** All necessary information for applicants regarding this policy in information will be provided:
 - a. in any literature that any applicant has access to (including the website) that they may receive prior to application.
 - b. as a part of the agreement between HILTON ACADEMY and the applicant;
 - c. at Orientation; and
 - d. generally available whilst a student is enrolled – e.g. on the HILTON ACADEMY website
- 5.6** The internal complaints and appeals process will be at no cost to the complainant/appellant.
- 5.7** This process is freely available to all students and may be accessed at any time.
- 5.8** The student may be supported/ accompanied by an independent person/ friend.
- 5.9** Whilst a student is going through any formal complaint or appeal process, the student will remain enrolled at HILTON ACADEMY and will continue their studies and assessments in the normal way. However, if the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the Student Code of Conduct (in the Student Handbook), then that suspension or exclusion

shall continue until either it has expired or the result of the complaint or appeal is decided in the students favour.

- 5.10** While HILTON ACADEMY considers that it has a professional, fair and transparent informal and formal complaints and appeals process, should the student require it, access is available to an independent mediator to review the complaint and/or appeals process.
- 5.11** If the outcome is in the appellant's favour then HILTON ACADEMY will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.
- 5.12** HILTON ACADEMY will:
 - 5.12.1** securely maintain records of all complaints and appeals and their outcomes, and
 - 5.12.2** identify potential causes of complaints and appeals and take appropriate and corrective action to eliminate or mitigate the likelihood of reoccurrence

6. Complaints and Appeals procedures

The following procedure provides students and staff the opportunity to have any issues relating to a substantiated complaint or appeal resolved amicably. The internal complaints and appeals process will be at no cost to the student.

The following outlines the steps undertaken for complaints and appeals:

6.1 Informal Complaints

Whenever possible, those with a grievance should attempt to resolve the issue with the person/persons directly involved. For example a student should approach their trainer in the first instance on any matters relating to their training or assessment.

This may include advice, discussions, and general mediation in relation to the issue and the student's complaint. Any staff can be involved in this informal process to resolve issues. If, after all attempts the issue remains unresolved, then a formal complaint may be lodged.

6.2 Formal Complaints

Any current or potential student may submit a formal complaint to HILTON ACADEMY with the reasonable expectation that all complaints will be treated with fairness, integrity and privacy. There is no cost for the complaints process unless it is referred to a third party. Complaints must be lodged using the Complaints Form available at Reception. Given below is the process that is then followed.

The steps to be followed for both a complaint and an internal appeal are shown in the flowchart Item 11. The process to be followed for an external appeal is documented by the Overseas Students Ombudsman (OSO) in section 7 who provides the services (see below) or Resolution Institute for Domestic Students in section 8.

6.3 Internal appeals procedure including appeals against assessment

All students have the right to appeal decisions made by HILTON ACADEMY where reasonable grounds can be established. The areas in which a student may appeal a decision made by HILTON ACADEMY include:

- 6.3.1** Assessments conducted – for rules relating to assessment criteria see the Assessment Policy and Procedure;
- 6.3.2** Deferral, suspension, or cancellation decisions made in relation to a student's enrolment; and
- 6.3.3** Or any other conclusion / decision made after a complaint (see above) has been dealt with by HILTON ACADEMY in the first instance.

7. Internal Complaints and Appeals Procedures

The following actions must be completed for a complaint or internal appeal:

| Steps | Process | Timelines |
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| 7.1 Review of Complaints and / or Appeals | Once a complaint or appeal is received and is checked for completeness it should be forwarded to the responsible person (refer to clause 8 Categorisation) for review | Within 3 working days |
| 7.2 Cost | There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses for attending HILTON ACADEMY offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone, travel) will NOT be reimbursed. | N/A |
| 7.3 Presentation of case | All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost. | N/A |
| 7.4 Processing | The Review Person may gather evidence and constitute a review committee as they see fit. The Review Person must commence the process within 10 working days of the lodgment of the complaint or appeal (and receipt of all supporting evidence) | Within 10 working days |
| 7.5 Determination | Complete the process within a reasonable period usually 10 working days. | Within 10 working days |
| 7.6 Further consideration | If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as practical and within 5 working days asking for evidence. The process will be put on hold until the evidence is received. | Within 5 working days |
| 7.7 Releasing the final decision made | Once a decision is reached, the officer in charge will be advised in the written response to the complainant or appellant. A template for a formal written response has been developed for when the complaint is accepted or rejected. This will be modified to include detailed reasoning as to the determination. This includes the complainant's right to access the Internal Appeals process and the detailed reasons for the outcome | Within 1 working day from the decision is made |
| 7.8 Special cases | The complaint or appeal should normally be commenced within 10 working days of the deposit of completed form and associated supporting material. See "Determination" above in relation to request of supplementary information. If, for some reason, it should take more than 60 calendar days to finalise the complaint or appeal, HILTON ACADEMY will : | more than 60 calendar days |

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| | <p>a) inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</p> <p>b) regularly update the complainant or appellant on the progress of the matter</p> | |
| 7.9 Appeal following a complaint | If the complainant is not happy with the decision made they may escalate their appeal to the External Appeal services . The appeal is on the fairness and objectivity of the decision. | N/A |
| 7.10 Formal response to an appeal | The officer in charge must send the student with a formal written response once the appeal is accepted or rejected. This includes the complainant's right to access the External Appeals process. | Within 1 working day from the decision is made |
| 7.11 Documentation | All documentation relating to a formal complaint or appeal MUST be filled in the student's file. This is to include the initial form, supporting evidence, meeting minutes, determinations and copy of correspondences with all concerned parties. This information will be stored confidentially and securely for 7 years | For 7 years |
| 7.12 Complaints and Appeals Register | All formal complaints or appeals must be recorded in the Complaints and Appeals Register. | Within the complaint and appeal period |
| 7.13 Learning | A complaint or appeal is a learning opportunity for HILTON ACADEMY. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented. | Right after the case closed |

8. Categorisation

| The nature of the complaint or appeal will be categorised as follows: | Matter referred to the following: |
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| Administrative Complaints/Appeals. Complaints against the delivery of administrative and support services and facilities. | Training Manager |
| Academic Complaints/Appeals. Complaints against teachers/trainers, training delivery and assessment and the like. | Compliance Manager/Academic Manager |
| Student Conduct Complaints/Appeals. Complaints against misconduct/misbehaviour of students. | Compliance Manager/ Training Manager |
| Further Appeals | CEO |

9. External Complaints and Appeals Procedures

9.1 The purpose of the external appeals process is to consider whether HILTON ACADEMY has followed its student complaints and appeals policy and procedure, and should only be enacted after exhausting of the internal procedures described above.

9.2 If you wish to lodge an external appeal or complaint about a decision made by the internal appeals process, you can contact the Overseas Students Ombudsman. The Overseas Student Ombudsman offers a free and independent service for overseas students who have a complaint or wish to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students

Ombudsman website [Overseas Students - Commonwealth Ombudsman](#) or phone 1300 362 072 for more information.

9.3 The Overseas Student Ombudsman can investigate complaints about action taken by private providers in connection with *overseas students*. Complaints might, for example, be about:

- a) refusing admission to a course
- b) fees and refunds
- c) course or provider transfers
- d) course progress or attendance
- e) cancellation of enrolment
- f) accommodation or work arranged by a provider
- g) incorrect advice given by an education agent

9.4 There is no charge for lodging an appeal.

9.5 If the internal or external complaints handling or appeals process results in a decision or recommendation in favour of the overseas student, HILTON ACADEMY will immediately implement the decision or recommendation and/or take preventive or corrective action required by the decision, and advise the overseas student of that action.

9.6 If an appeal is against HILTON ACADEMY's decision to report the student for unsatisfactory course progress then HILTON ACADEMY will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.

9.7 If an appeal is against HILTON ACADEMY's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, HILTON ACADEMY only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Home Affairs through PRISMS of the change to the student's enrolment.

9.8 If the overseas student is not successful in HILTON ACADEMY's internal complaints and appeals process, HILTON ACADEMY will 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. HILTON ACADEMY will provide the overseas student with the contact details of the appropriate complaints handling and external appeals body.

10. Complaints and Appeals to the regulator

10.1 If students intend to make a complaint about the RTO to the regulator, they must first follow HILTON ACADEMY's internal complaints and appeals procedure.

10.2 If, after following the internal procedures, the complainant wishes to make an official complaint to the regulator, they can complete the [Complaints | Australian Skills Quality Authority \(ASQA\)](#) form provided by the Australian Skills Quality Authority (ASQA) on their website <http://www.asqa.gov.au/complaints/making-a-complaint.html>

11. Continuous Improvement

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of the continuous improvement policy and procedure at the Executive Management Meeting for review. The purpose of this is to ensure management become aware of:

- a) issues that may be repeating themselves
- b) short falls in Assessment processes – either as a part of the process or in implementation (individually or collectively)
- c) students that may be being vexatious in using the process

- d) common threads relating to the general management and or safety of the staff and students and the services being provided.
- e) (when viewed collectively) any general adverse trend that needs correcting

12. Relevant Documentation

This document will be available to all students and staff for access from the HILTON ACADEMY website or in hardcopy form from the Reception.

12.1 Forms

- a) Complaints and Appeals Form
- b) Letter Informing Results re: Complaints and Appeals
- c) Letter Informing Results re: Internal Appeal
- d) Letter Informing Results re: External Appeal
- e) Complaints and Appeals Register

12.2 Policy and Procedures

- a) International Student Transfer Policy
- b) Monitoring Course Progress, attendance and course duration Policy
- c) Deferment, Suspension, Cancellation Policy
- d) Quality Assurance & Continuous Improvement Policy
- e) Records Management Policy

13. Policy Control

| Version | Date | Changes / Updates | Approved |
|---------|----------|---|----------|
| 1.0 | Jan 2020 | RTO Policy and Procedure of HILTON ACADEMY | CEO |
| 2.0 | Sep 2023 | Updated latest Logo Policy code and Name Reference/Added: Standards for RTOs 2015: Clause 6 National Vocational Education and Training Regulator Act 2011 The ESOS Act 2000 Standard 7: Clause 7.5, 7.6, Standard 10 Added 3. Responsibility: 3.1 to 3.6 Formated 4. Definition Formated 5. Policy: from 5.1 to 5.11 Added Title 6. Complaints and Appeals procedures: from 6.1 to 6.3 Added Title 7: Internal Complaints and Appeals procedures: from 7.1 to 7.13 Updated 7. Categorisation: Positions must be referred the case to Added Title 9 External Complaints and Appeals Procedures from 9.1 to 9.8 Added Title 10. Complaints and Appeals to the regulator: 10.1-10.2 Added Title 11. Continuous Improvement Added Policy Control Updated Version Number | CEO |

Flow Chart

