

## HPPS006 Complaints & Appeals Policy

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<b>References:</b>	Standard for RTOs, Standard 6 National Code Part B, Standard 10

### Purpose & 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 process made available to all students, staff and other stakeholders.

This policy and procedure complies with the VET Quality Framework (VQF) and the ESOS National Code by providing a process for hearing and actioning complaints and appeals where necessary as set by Standard 10 (“Complaints and Appeals”) of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (ESOS Act); and to provide an independent, easily accessible and inexpensive complaints and appeals process for students of HILTON ACADEMY.

Through this policy and the corresponding procedure, HILTON ACADEMY commits to ensuring that students have the right to natural justice by virtue of access to effective, timely, equitable, and documented complaints handling and appeals processes.

All complaints and appeals will be analysed to guarantee continuous improvement of all processes HILTON ACADEMY has in place.

### Definitions

**Student:** A student refers to any current student of HILTON ACADEMY, any prospective student and any past students.

**Prospective student:** A person can be defined as a prospective student if they have completed and finalised their HILTON ACADEMY enrolment process and the course or pathway of courses begins within the next six months.

**Past student:** A person can be defined as a past student if they studied a course or pathway of courses at HILTON ACADEMY in the past six months.

**Complaint:** 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.

**Appeal:** A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration

**Appellant / Complainant:** A student, staff member, or other person who wishes to activate the complaints and appeals process.

**External Appeals Process:** Students have free access to the Commonwealth Ombudsman ([Commonwealth Ombudsman](#)) or ASQA [Complaints | Australian Skills Quality Authority \(ASQA\)](#)

**Grievance:** Any complaint or appeal the student wants to pursue.

**PRISMS:** Provider Registration and International Student Management System.

## Scope

This policy applies to HILTON ACADEMY's stakeholders, including prospective, present, and past students, staff, suppliers, and members of the public.

## Policy

Despite HILTON ACADEMY's efforts to provide excellent services to its students and other stakeholders, complaints that require formal resolution may occasionally arise, 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 procedures;
- b. Ensure that all student complaints and appeals will be handled according to the principles of procedural fairness in a serious, sensitive, and timely manner and discussed only with those persons relevant to the case
- c. All complaints and appeals processes are publicly available 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;
- 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;
- f. Ensure that all staff involved in resolving student complaints or appeals will act fairly at all times and ensure that decisions will be based on a thorough and unbiased consideration of the facts and the views expressed by all parties;
- g. Ensure that all staff involved in resolving student complaints or appeals will act fairly at all times and ensure that decisions will be based on a thorough and unbiased consideration of the facts and the views expressed by all parties;
- h. No action will be taken or suggested to a student without consultation with the relevant staff member;
- i. Ensure that all resolutions to address or respond to a complaint or appeal must be achievable within HILTON ACADEMY's lawful powers, policies, and legislative requirements.

HILTON ACADEMY will follow the complaints and appeals policy to manage and respond to allegations involving:

- a. The conduct of HILTON ACADEMY, its trainers, assessors, or other staff;
- b. The conduct of a third party providing services on HILTON ACADEMY's behalf, e.g. recruitment agent; and
- c. A student of HILTON ACADEMY.

HILTON ACADEMY views all complaints as an opportunity for continuous improvement.

Should a student decide to exercise their rights to make a formal complaint or appeal, their enrolment at HILTON ACADEMY will be maintained. All students are expected to continue their studies and follow the student code of conduct while the complaint or appeals process is underway. Refer to HILTON ACADEMY's Student Handbook for the Student Code of Conduct.

All necessary information for applicants regarding this policy in information will be provided:

- a. In any literature that any applicant has access to, including that they may receive prior to any enrolment 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.

The internal complaints and appeals process is at no cost to the complainant/appellant; this process is freely available to all students and may be accessed at any time to ensure that the student's risk of experiencing hardship is reduced.

When a student goes through any formal complaint or appeal process that does not relate to the student being suspended or excluded as a result of a breach in the student code of conduct, the student will:

- Remain enrolled at HILTON ACADEMY, and
- Continue their studies and assessments according to their schedule.

When a student goes through any formal complaint or appeal process regarding suspension or exclusion due to a breach in the student code of conduct, the suspension or exclusion will continue until either it has expired or the result of the complaint or appeal is decided in the student's favour.

Although HILTON ACADEMY considers its informal and formal complaints and appeals process professional, fair, transparent, and based on natural justice, students can access an independent and external mediator to review the complaint and/or appeal processes if they wish to do so.

If the outcome is in the complainant or appellant's favour, HILTON ACADEMY will:

- Implement any changes the adjudicator recommends immediately, and
- Advise the appellant of the outcome and actions taken.

Throughout the process of complaint and appeal HILTON ACADEMY will:

- a. Not disclose any records of all complaints and appeals and their outcomes, unless required under the law or any HILTON ACADEMY policy, and
- b. Identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Always a complainant or appellant be subject to fair and equitable treatment when complaint or appeal were they to lodge a complaint or an appeal in accordance with this policy.

## Complaints procedure

The following procedure allows students and staff to resolve any issues relating to a complaint amicably.

All records of complaints will be kept confidential, and the outcome of the complaint process will be retained for a period of seven (7) years. All records will be securely stored in the student file.

Students are encouraged to raise their complaints informally to ensure the grievance is resolved quickly. If the informal complaint is unresolved, students can lodge a formal complaint to the Student Services Administrator as outlined below.

### 1. Informal Complaints

Students are encouraged to raise their complaint directly with the person concerned in the first instance. If effectively handled, most complaints will not escalate to the level of an appeal. An informal complaint may be made verbally or in writing, for example, via email.

### 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 and that they will follow natural justice. The complaint must be lodged using the Complaints and Appeals Form which is available to all students. The complaints process is:

1. A student completes the Complaints and Appeals form explaining the grievance in writing.
2. The form is submitted to the Student Services Administrator (SSA) using the online form.
3. The SSA will:
  - 3.1. Acknowledge the complainant of the submission within ten (10) days of lodgment.
  - 3.2. Review the complaint and
    - 3.2.1. Investigate the matter
    - 3.2.2. Arrange for a panel to deliberate on the complaint
    - 3.2.3. Meet with the complainant if the SSA deems it appropriate
      - 3.2.3.1. The complainant can bring a third person to such a meeting if they feel they need support, although the accompanying person is not to act as an advocate or a lawyer for the complainant.
4. The complainant will receive a written resolution within 20 working days of the complaint's submission. If the resolution requires more than 20 working days, the complainant will receive written communication explaining the reasons why the resolution requires longer-than-expected time and the expected resolution time.

The complaint will be recorded on the Complaints and Appeals Register; all records will be kept in the student's file according to confidentiality principles.

## Appeals procedure

All stakeholders, including students, intending to appeal must do so within six (6) months from the date of the event that gave rise to the complaint or, where the appeal relates to a unit of study, four weeks from the release of results for that unit. A student may withdraw an appeal at any stage by giving written notice to the Student Services Administrator (SSA).

## Internal appeals procedure

All stakeholders have the right to appeal resolutions provided by HILTON ACADEMY where reasonable grounds can be established. The areas in which a student may appeal a resolution include:

- a. Assessments;

- b. Deferral, suspension, or cancellation decisions made in relation to a student's enrolment;
- c. Any other conclusion and or decision made after an informal complaint HILTON ACADEMY provided a resolution in the first instance;
- d. Any matter lodged using the Complaints and Appeals form as a result of a decision made by HILTON ACADEMY.

Any student may submit a formal appeal to HILTON ACADEMY with the reasonable expectation that all appeals will be treated with fairness, integrity, and privacy and that they will follow natural justice. The appeal must be lodged using the Complaints and Appeals Form, which is available to all students.

The Appeal procedure entails the following steps:

1. A stakeholder completes the Complaints and Appeals form explaining the appeal and their reasons in writing using the Complaints and Appeals Form.
2. The form is submitted to the Student Services Administrator (SSA) using the form.
3. The SSA will inform the appellant of the appeal's acknowledgement within 10 days.
4. The SSA will forward the appeal to the Student Services Team Leader (SSTL).
  - 4.1. The SSTL will review and provide a resolution to all student-related matters. These matters include, but are not limited to:
    - 4.1.1. Academic misconduct;
    - 4.1.2. Cancellations for failure to make satisfactory course progress; and
    - 4.1.3. Assessment marking;
    - 4.1.4. Unpaid fees; and
    - 4.1.5. Acts of discrimination, bullying, and harassment.
5. The SSTL will
  - 5.1. Review the appeal and conduct their investigation
  - 5.2. Arrange a panel if required by the case
  - 5.3. Meet with the appellant to let them present their case within 60 working days from the appeal lodge date.
    - 5.3.1. The appellant student can bring a third person to such a meeting if they feel they need support, although the accompanying person is not to act as an advocate or a lawyer for the appellant.
6. The appeal will be addressed within 60 days from the lodgment date. If the resolution requires more than 60 working days, the appellant will receive written communication explaining the reasons for the delayed response and the expected resolution time.

If proof of an external appeal lodged with the Commonwealth Ombudsman is provided within 10 working days from HILTON ACADEMY's decision to report the overseas student for unsatisfactory course progress and the appeal resolved in the cancellation of the student enrolment, then HILTON ACADEMY will maintain the student's enrolment, i.e. HILTON ACADEMY will not report the student for unsatisfactory progress until the external appeals process is complete and has supported HILTON ACADEMY's decision.

The appeal will be recorded on the Complaints and Appeals Register; all records will be kept in the student's file according to confidentiality principles.

## External Appeal Procedure for Students

The process for an external appeal is documented by the Commonwealth Ombudsman (CO), who provides the services, or ASQA, which focuses on poor-quality training delivery as it can directly affect the student, the industry, and the community.

The external appeals process aims to consider whether HILTON ACADEMY has followed its student complaints and appeals policy and procedure. It should only be enacted after exhausting all internal procedures.

Students can contact the CO if they wish to lodge an external appeal or complaint about a resolution made by the internal appeals process. The CO 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 HILTON ACADEMY.

Refer to the CO website [ombudsman.gov.au/](https://ombudsman.gov.au/) for more information.

The CO can investigate complaints about actions taken by private providers in connection with students' complaints, such as:

- Course fees and refunds;
- Transfers between courses or providers;
- Intention to report to Home Affairs for unsatisfactory course progress or attendance;
- Cancellation of enrolment;
- Deferral and suspension of studies;
- Incorrect advice given by an education agent;
- Refusing admission to a course;
- HILTON ACADEMY handling of a student's complaint or appeal, including complaints about assessments and misconduct decisions.

There is no charge for lodging an appeal with the CO.

## Complaints to the regulator

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. Once all internal complaints and appeal procedures are exhausted and a student wishes to make an official complaint to the regulator, they can complete the [Complaints | Australian Skills Quality Authority \(ASQA\)](https://www.asqa.gov.au/complaints/making-a-complaint.html) form provided by the Australian Skills Quality Authority (ASQA) on their website <http://www.asqa.gov.au/complaints/making-a-complaint.html>

## Implementation of external decisions and recommendations

If the external complaints process or appeals process results in a decision or recommendation in favour of the overseas student, HILTON ACADEMY will implement the decision or recommendation and corrective action required by the decision and advise the overseas student of that action as soon as it is provided in writing by the Commonwealth Ombudsman.

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 Education of the change to the student's enrolment through PRISMS.

## 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 with the purpose of ensuring that the Executive Management become aware of:

- Issues that may be repeating themselves;
- Shortfalls in the assessment processes – either as a part of the process or in implementation (individually or collectively);
- Students that may be being vexatious in using the process;
- Common threads relating to the general management and/or safety of the staff and students and the services provided;
- Any general adverse trend that needs correcting.

## Publication

This document will be available to all students and staff via the HILTON ACADEMY website or Student Management System (SMS).

## Policy Control

Version	Date	Changes / Updates	Approved
1.0	Mar 2023	RTO Policy and Procedure of HILTON ACADEMY	CEO
2.0	May 2024	Policy updates and procedure changes to reflect current practices and include merged teams	CEO

## Flow Chart

