



Complaints and Appeals Policy & Procedure

Complaints and Appeals Policy

1. Purpose

It is the policy of ABM Further Education to ensure students, staff, and agents have a friendly environment, free from any forms of bullying, harassment, and discrimination. Considering that our sole purpose, ABM Further Education aims to provide an effective and acceptable procedure for internal and externals to bring complaints and appeals to its attention.

All complaints and appeals will be handled professionally and confidentially, with the aim of achieving a satisfactory resolution as soon as practically possible.

2. Scope

This policy is available to all stakeholders, particularly to all students enrolled at ABM Further Education in accordance with access and equity principles.

3. Policy Statement

This policy is designed to ensure that ABM Further Education responds effectively and efficiently to individual cases of dissatisfaction in terms of Complain and Appeal.

4. Policy Principles

This policy recognizes that an effective grievance management procedure contributes to an improved learning environment for all students. This policy also provides an opportunity to improve ABM Further Education 's student experience by identifying areas of risk and potential non-conformances. The complaint management at ABM Further Education is guided by the following principles:

- a. Consistency.
- b. Ethical and equitable practices.
- c. Resolution at the local level where possible.
- d. Respect for all parties.
- e. Procedural fairness.
- f. Transparency.
- g. Timely and effective grievance management.

This Policy demonstrates ABM Further Education 's commitment to the above-listed principles.

ABM Further Education has adopted a case management approach for complaints. This ensures that the nature of the concern raised will determine which area of ABM Further Education takes primary responsibility for effectively handling the concern.

5. Students Complaints and Appeals

5.1) Before a Grievance becomes a Formal Complaint

Students (or persons seeking to enroll) at ABM Further Education are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. There are support staff available to assist students to resolve their issues at this level.

5.2) Complaint Management Procedure

- a. This procedure can be utilized by students (and persons seeking to enroll) in a course of study at ABM Further Education to submit a complaint of an academic or non-academic nature.

Complaints of an **academic nature** include matters related to student progress, assessment, curriculum, and awards in a course of study. Complaints of a **non-academic nature** cover all other matters including complaints in relation to personal information that ABM Further Education holds of the student.

- b. During all stages of this procedure ABM Further Education will take all steps to ensure that:
 - i. The complainant and the respondent will not be victimized or discriminated.
 - ii. The complainant has the opportunity to formally present a written complaint or appeal if it cannot be resolved informally. The complainant could be assisted or accompanied by a support person at any relevant meeting.
 - iii. A full explanation in the writing of decisions and actions taken as part of the process will be provided to the complainant.
 - iv. where the internal or external complaint handling or appeal process results in a decision that supports the complainant, ABM Further Education will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome.
 - v. there is no cost to the complainant to make use of the internal or external complaint and appeals process.

5.2.1) Stage one – Formal Complaint:

- i. Formal complaints must be submitted in writing to Student Service. Receipt of the complaint will be acknowledged within three (3) working days and the complaint management process will commence within ten (10) working days of the receipt of the written complaint and all reasonable measures will be undertaken to finalize the process as soon as possible.
- ii. The Student Service or their nominee will, if necessary, seek to clarify the

outcome that the complainant hopes to achieve. If the Student Service does not clarify with the correct outcome, the complaint or appeal needs to be forwarded to the correct person or area involved.

- iii. Such clarification may be obtained by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview, the complainant or respondent may ask a support person to accompany them.
- iv. The Student Service or their nominee will then work to resolve the grievance and provide a written report to the complainant on the steps taken to address the grievance, including the reasons for the decision, within ten working days. That Student Service further advises the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal grievance.

5.2.2) Stage two – Internal Appeal:

- i. If a complainant is dissatisfied with the outcome of their complaint from Stage one, they may lodge an appeal with the Campus Manager. An appropriate person or committee will be appointed to consult with the complainant and other relevant parties within (7) seven working days.
- ii. Where possible such consultations should take the form of face-to-face interviews. The complainant or the respondent may ask a support person to accompany them to these interviews.
- iii. Following the consultation, the Campus Manager, or its nominee, will provide written advice to the complainant advising them of further steps taken to address the grievance, including the reasons for the decision, within (7) seven working days. The Campus Manager will further advise the complainant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.

5.2.3) Stage three - Domestic Students – Other Appeal Options

The other options available to students include:

- i. Department of Fair Trading (<http://www.fairtrading.nsw.gov.au>)
- ii. Administrative Appeals Tribunal (<http://www.aat.gov.au>)
- iii. Other options include getting a mediator or seeking legal advice at their own expense.

NSW Fair Trading Department safeguards the rights of consumers and advises business and traders on fair and ethical practice. **The Administrative Appeals Tribunal (AAT)** provides independent review of a wide range of administrative decisions made by the Australian government and some non-government bodies. The AAT aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible. Both individuals and government agencies use

the services of the AAT.

5.2.4) Stage three - international students – External appeal:

- vi. If an international student is dissatisfied with the outcome of the complaint or appeal at the end of the internal appeals process, the student may wish the matter would be dealt with through an external dispute resolution process facilitated by the Overseas Students Ombudsman (OSO). ABM Further Education does not charge any student for the referrals to external support services/agencies and supply information to the student on how to pursue the appeal through the external appeals process.

Things students should know about complaining to the OSO:

- In Australia, students have the right to complain.
- The OSO's services are free.
- In some cases, the OSO may decide not to investigate a student's complaint. This might happen where another organization can help the student, or they have not spoken to their provider about their complaint.
- If OSO decides not to investigate, they will tell the student why. The OSO may refer the student to another organization that can help.
- The OSO is independent and impartial. If OSO does decide to investigate a student's complaint, they will contact the education provider and ask them for further details.
- The OSO will treat student information with privacy and respect, and collect, store, use and disclose student's personal information only in accordance with Australian privacy laws.

If the outcome of a student's appeal through a provider's internal or external complaints and appeals handling process is favourable to the student, ABM must immediately advise the student of this and implement any decision and/or corrective and preventive action required. In most cases, the purpose of the external appeals process is to consider whether the RTO has followed its policies and procedures – it is not to decide in place of the RTO.

6. How to make an external complaint

a. Online (International Students)

Students can make a complaint online via the following link:

<https://www.ombudsman.gov.au/How-we-can-help/overseas->

students

Note: In order to use the online complaint form, students would need to have the Adobe Reader installed on their computer. If they do not already have it, they may download the latest Adobe Reader version for free from the Adobe website.

b. Telephone

Students can contact OSO by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111.

c. Mail

Students can write a letter and post it to: Overseas Students Ombudsman
GPO Box 442 Canberra ACT 2601 AUSTRALIA

d. Further information

For further information, students may visit OSO website:

<https://www.ombudsman.gov.au/>

7. Enrolment status

Where a student chooses to access this Policy, ABM Further Education will maintain the student's enrolment while the complaint handling process is ongoing. To 'maintain the student's enrolment' means ABM does not notify DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS). This does not necessarily mean that a student will remain in class.

ABM must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether ABM must maintain the enrolment throughout an external appeals process depends on the type of appeal.

ABM must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance has serious consequences for the student's visa – ABM only needs to await the outcome of the internal appeals process before notifying DET through PRISMS of the change to the student's enrolment.

8. Staff Complains

8.1) Before a Grievance becomes a Formal Complaint

Staff at ABM Further Education are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned.

8.2) Complaint Management Procedure

- a. This procedure can be utilized by staff working at ABM Further Education to submit a complaint.
- b. During all stages of this procedure ABM Further Education will take all steps to ensure that:
 - i. The complainant and the respondent will not be victimized or discriminated.
 - ii. The complainant has the opportunity to formally present a written complaint or appeal if it cannot be resolved informally.
 - iii. A full explanation in the writing of decisions and actions taken as part of the process will be provided to the complainant.
 - iv. The conversations between the staff and the employer must be confidential.
 - v. The complaint management process will commence within ten (10) working days of the receipt of the complaint and all reasonable measures will be undertaken to finalize the process as soon as possible.

8.2.1) Stage one – Understanding the complaint

The ABM employee must seek the principal, manager, or supervisor to raise the complaint. The contact person who is responsible for investigating or making decisions about a complaint should not be the same respondent. When the staff is presenting the written or verbal complaint the employee needs to try to understand the complaint and can:

- Schedule a meeting with the employee
- Pop in and out of the employee's workspace
- Ask questions about the specifics of the complaint.

At the end of this step, the employer should have a clear understanding of the complaint. Identify the facts and the separate resultant opinions and feelings. A clear statement of fact – what occurred – will help the employer identifies possible outcomes.

8.2.1) Stage two – Identify possible outcomes

When the principal, manager or supervisor understands the complaint, the employee and ABM need to work independently to identify possible outcomes. ABM always must try to find solutions that maintain healthy working relationships. This means trying to resolve conflicts within the business first.

Outcomes for the respondent may include:

- disciplinary counselling
- a verbal warning
- an official warning
- a requirement to attend discrimination and harassment awareness training.
- a requirement to provide a formal apology to the complainant.
- disciplinary action (e.g. demotion, transfer, suspension, probation, or dismissal)
- participation in mediation to restore relationships in the workplace.

8.2.1) Stage Three – Agreement and review of the solution

The staff and employer can collaborate to determine a resolution and a forward trajectory, which may include further investigation and examination of company policies, records, and contracts. Following the resolution of the complaint, it is necessary to arrange individual meetings between ABM and the employee and any other pertinent parties to disseminate the outcome.

Subsequently, within the following 15-day period, ABM is required to convene at least one additional meeting to assess the efficacy of the solution and determine the satisfaction of all involved parties.

9. Agents or external entities Complain.

9.1) Before a Grievance becomes a Formal Complaint

Agents or any external entity are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned.

9.2) Complaint Management Procedure

- a. This procedure can be utilized by agents or externals working together with ABM Further Education to submit a complaint.

- b. During all stages of this procedure ABM Further Education will take all steps to ensure that:
- i. The complainant and the respondent will not be victimized or discriminated.
 - ii. The complainant has the opportunity to formally present a written complaint or appeal if it cannot be resolved informally.
 - iii. A full explanation in the writing of decisions and actions taken as part of the process will be provided to the complainant.
 - iv. Communication between the agent and ABM must be confidential.
 - v. The complaint management process will commence within ten (10) working days of the receipt of the complaint and all reasonable measures will be undertaken to finalize the process as soon as possible.
 - vi. The Campus Manager, or its nominee, will provide written advice to the complainant advising them of further steps to be taken to address the grievance, including the reasons for the decision.
 - vii. Incorporation of any ABM process is imperative at every stage of complaint resolution to ensure comprehensive addressing of needs.

10. Record keeping & confidentiality

- a. A written record of all complaints handled under this procedure and their outcomes will be maintained for a period of at least two years to allow all parties to the grievance appropriate access to these records, upon written request.
- b. All records relating to complaints will be treated as confidential and are covered by the ABM Further Education 's Privacy Policy.

11. Appendix

Service Description	Contact Details
About Overseas Students Ombudsman	www.oso.gov.au/about-us
Making a complaint	www.oso.gov.au/making-a-complaint
More information regarding overseas students	www.oso.gov.au/overseas-students
More information regarding private education providers	www.oso.gov.au/private-education-providers
Frequently asked questions	www.oso.gov.au/frequently-asked-questions
Ombudsman contact us email	ombudsman@ombudsman.gov.au
Phone	1300 362 072 within Australian Outside Australia +61 2 6276 0123
Postal	GPO Box 442 Canberra ACT 2601
Student enquiry time	9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)

Ombudsman online complaint form	https://www.ombo.nsw.gov.au/complaints/complaint-form
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12.

Document and Version Control

Version	Complaints-and-Appeals-Policy & Procedure 1 May 2024 V1.1
Review	This Policy will be reviewed in accordance with the ABM Further Education Policy Review Schedule
Approved by	Richard Kiefer
Approval Date	23 rd May 2024
Policy Owner	ABM Further Education
Related Standard	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth) Part D, Standard 6
Related Documents	ESOS Framework Education Services for Overseas Students Act 2000 (Cth) Privacy Act 1988 (Cth)