

Complaints and Appeals Policy and Procedures

RTO No. 31822

CRICOS Provider No. 03604C

INTRODUCTION

PI's complaints and appeals processes are independent, easily and immediately accessible for the parties involved. The PI recognizes that both internal and external complaint and appeals processes play a role in ensuring that complaints and appeals are appropriately heard and addressed for both the parties. These processes will enable students to firstly seek course using our internal processes, and then if needed, through an independent, external person or body.

PI has implement internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about this process and policy.

PI complaints and appeals policy:

1. Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process are publicly available
2. Ensure that PI will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
3. Allows and have a process for overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally by submitting Complaints and Appeals Form.
4. Set out the procedure for making a complaint or requesting an appeal
5. Ensure that PI will respond to any complaint or appeal the overseas student makes regarding his or her dealings with PI, its education agents or any related party PI has an arrangement with to deliver the overseas student's course or related services.
6. Provide option for review by an appropriate party independent of the PI and the complainant or appellant, at the request of the individual making the complaint or appellant, if the processes fail to resolve the complaint or appeal.
7. Ensure the complainant or appellant has the right to a full explanation in writing for decisions and actions taken at all stages of complaints and appeals process;
8. Ensuring that there is proper investigation of the facts;
9. Ensuring that there is appropriate evidence to support a decision;
10. Ensuring that parties are not victimised or discriminated against during complaint and appeal procedure;
11. Ensuring the complainant has the right to access legal remedies outside of the PI complaints

- and appeals processes;
12. Informing relevant parties of any allegations made against them, as appropriate;
 13. Ensuring that all persons involved are informed as per the procedures under which complaint is being handled and have access to the relevant policy and procedure;
 14. Ensuring that all parties have a fair hearing and those who have had complaints made against them understand the case to be met and are given the opportunity to reply in a way that is appropriate for the circumstances before a decision is made;
 15. Ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken; and advising all parties that if complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into complaint may be used in any subsequent disciplinary proceedings.
 16. Ensuring impartiality on the part of the investigator and/or decision maker, which means that investigator/decision maker must exclude themselves if there is any bias or conflict of interest. Being the supervisor or work associate of the respondent does not in itself give rise to a conflict of interest. The test is whether a fair-minded observer might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the question;
 17. Ensure the overseas student is given an opportunity to formally present his or her case at no cost and be accompanied and assisted by a support person (family member, friend, colleague, interpreter or other non-legal support person) at any relevant meetings
 18. Ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 19. PI must commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the PI's complaints and appeals process and policy, and finalise the outcome as soon as practicable.
 20. If the student chooses to access PI's complaints and appeals processes, then PI must maintain the student's enrolment while the complaints and appeals process is ongoing.
 21. Complaints and appeals procedure, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws or any other Australian law applicable.
 22. PI will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

1.0 Complaints about Our Conduct

If a student has concerns about the actions of the PI, they may approach the Overseas Student Ombudsman

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

- Call: 1300 362 072

Overseas Students Ombudsman (OSO) investigates complaints about problems that intending, current or former overseas students may have with private schools, colleges or universities (education providers) in Australia.

Overseas Students Ombudsman also provides information about best practice complaints handling to help private education providers manage internal complaints effectively and publishes reports on problems and broader issues in international education identified through investigations.

Overseas Students Ombudsman:

- provides a free service
- is independent and impartial, and does not represent either overseas students or private education providers
- can make recommendations arising out of investigations

Complainants have a number of external complaint or appeal options including:

1.1 Consumer rights Queensland

- Within Australia: 13 QGOV (13 74 68)
- International callers: +61 7 3405 0985 (+10 hours UTC)
- <https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/>

1.2 Administrative Appeals Tribunal

- Ph: 07 3361 3001
- <http://www.aat.gov.au>

1.3 Dispute Settlement Centre

- Ph: (07) 3239 6007 or 131 450
- <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/view/?title=South+Queensland+Dispute+Resolution+Centre>

1.4 Anti-Discrimination Commission Queensland

- www.qhrc.qld.gov.au

1.5 PI's RTO registering body – Australian Skills Quality Authority (ASQA)

Please note: ASQA do not investigate complaints about refunds, apprenticeships or traineeships or personal disputes between students and trainers/assessors. ASQA is not able to act as the independent third party for reviewing complaints.

<https://www.asqa.gov.au/complaints>

2.0 Student Awareness

We provide information about Complaints & Appeals Policy to a potential student before written agreement is entered into or any fee amount is paid (whichever happens first). PI also ensures students are made aware of our complaints and appeals process by:

- reference to the Student Complaints/Appeal Policy in the International student handbook and/or at www.pi.edu.au;
- reference to the Student Complaint/Appeal Policy in our website;
- verbally informing students at orientation;

3.0 Complaints procedure

3.1 Informal Process

If a learner/student has a complaint they are encouraged to speak immediately with the PI staff to resolve the issue. If the complainant is not satisfied that the issue has not been resolved they will be asked to complete a Complaints and Appeal Form. Peach Institute will then investigate the complaint and advise the complainant of the outcome. All formal complaints are submitted in writing to the student administration staff.

Note: In the event that a complaint relates to a breach of Australian law i.e. assault, sexual harassment the PI may inform the relevant authorities.

3.2 Complaints Process

PI will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the PI, PI's education agents or any related party the PI has an arrangement with to deliver the overseas student's course or related services. If a matter cannot be resolved informally, Overseas Student can lodge a formal complaint. All complaints shall follow the below procedure:

- a) Made in writing within 5 days of the incident using the Complaints and Appeals Form available at no cost.
- b) Either parties involved may be assisted or accompanied by a support person regardless of the nature of the Complaint/Appeal, at any relevant meetings.
- c) A submitted Complaints and Appeals form will constitute a formal complaint from the participant.
- d) Student Admin staff shall enter details of complaint into Student Management System (SMS) and Complaints and Appeals Register. CEO must be informed of receipt of all complaints by student admin staff and shall also be provided with all the documentation for action.

- e) In the case of a complaint, CEO/delegated staff will initiate a professional, fair, transparent and participative investigation to identify the issues. Actions which may be taken include, but are not limited to:
 - 1. Discussing the facts of the complaint with the complainant.
 - 2. Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
 - 3. Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level.
 - 4. Interview all parties individually, including any witnesses.
 - 5. Conduct interviews privately and confidentially
 - 6. Where applicable, report the outcome of the meeting with the respondent to the complainant.
 - 7. Seek preferred outcome from each of the parties.
- f) CEO may delegate responsibility for the resolution of the complaint
- g) Assessment of complaints will be processed in accordance with the Appeals Procedure.
- h) PI must commence assessment of the complaint within 10 working days of it being made in accordance with the PI's complaints and appeals process and policy, and finalise the outcome as soon as practicable.
- i) In all cases final conclusion will be assessed by CEO/delegated staff
- j) Overseas student will be advised in writing of the outcome of their complaint along with the reasons of the outcome.
- k) If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, PI must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.
- l) Upon finalising of the complaint, copies of all the documentation and further action required will be recorded into, Complaints and Appeals Register.
- m) PI keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
- n) CEO will ensure that the issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate
- o) If the outcome is not to the satisfaction of the participant, they may seek an appointment with CEO/delegated staff.
- p) If the overseas student is not successful in the PI's internal complaints handling and appeals process, PI must 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. PI

must give the overseas student the contact details of the appropriate complaints handling and external appeals body.

- q) All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. The student enrolment must be maintained whilst the complaint is in progress.

4.0 Appeals

PI thrives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process. All students have the right to appeal decisions made by PI. The areas in which a student may appeal a decision made by the PI may include but are not limited to:

- Assessments conducted
- Reported breaches of academic performance.
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment

4.1 Appeals Procedure

PI will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the PI, PI's education agents or any related party the PI has an arrangement with to deliver the overseas student's course or related services. If a matter cannot be resolved informally, Overseas Student can lodge a formal Appeal. All appeals shall follow the below procedure:

- a) Be made in writing within 5 days of notification of the assessment decision using the Complaints and Appeals form at no cost.
- b) Either parties involved may be assisted or accompanied by a support person regardless of the nature of the Complaint/Appeal.
- c) A submitted Complaints and Appeal form will constitute a formal appeal from the participant
- d) Student admin staff shall enter details of Appeal into Student Management System (SMS) and Complaints and Appeals Register. CEO must be informed of receipt of all appeals by student admin staff and shall also be provided with all the documentation for action.
- e) CEO may delegate responsibility for the resolution of the appeal
- f) Appeals will be processed in accordance with the Appeals procedure.
- g) PI must commence assessment of the appeal within 10 working days of it being made in accordance with the PI's complaints and appeals process and policy, and finalise the outcome as soon as practicable.
- h) In all cases the final conclusion will be endorsed by CEO/delegated staff.
- i) Overseas student will be advised in writing of the outcome of their appeal along with the reasons of outcome.

- i. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, PI must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.
- j) Upon finalising of the appeal, copies of all the documentation and further action required will be recorded into, Complaints and Appeals Register.
- k) PI keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
- l) CEO will ensure that the issue, policy and procedures relating to any substantiated appeal is reviewed and progressed through continuous improvement processes, as appropriate.
- m) If the outcome is not to the satisfaction of the participant, they may seek an appointment with CEO/delegated staff.
 - i. If the overseas student is not successful in the PI's internal complaints handling and appeals process, the PI must 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. PI must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
 - n) All Appeals will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. Student enrolment must be maintained whilst an appeal is in progress.
 - o) The Student has the right to formally present their case at no cost.

4.2 Assessment Appeals

Assessment appeals shall follow the below procedure:

- a) If the client is unhappy with the assessment decision they should first seek to discuss the decision and options with the Assessor, to determine and fully understand the reasons for the decision.
- b) With a view to resolving the matter, discuss with the client: give specific feedback on their performance, identify areas of improvement, and provide options to the client such as further training and/or assessment. Where appropriate the Trainer/Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer/Assessor shall complete a report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- c) If the matter is not resolved, advise client of their right to appeal the decision referring them to the Complaints and Appeals policy and provide client with access to the Complaints and Appeals Form.
- d) CEO shall be notified and shall seek details from the Trainer/Assessor

involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible reassessment by another Trainer/Assessor. CEO will nominate, within five working days, an independent assessor or panel to review the appeal and make a determination.

4.3 Appeal against decision to report breach of academic performance

Academic Performance appeals shall follow the below procedure:

- e) Where a student wishes to appeal the decision of PI to notify Department of Home Affairs (DHA) of a breach of academic requirements the student shall fill up Complaints and Appeals Form outlining the details of their appeal. Student should have justifying circumstances as to why student has breached their requirements, and must be able to provide evidence of these circumstances.
- f) CEO shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. After meetings and/or interviews are held with all relevant parties the appeal outcome shall be determined.
- g) Where a student has decided to access the appeals process in relation to a reportable breach, PI will not report the breach until the appeals process has been undertaken. PI is required to maintain all relevant responsibilities until the breach has been reported to DHA via PRISMS.

4.4 Appealing against deferments, suspension or cancellation of enrolment decisions

Deferments, Suspension or Cancellation appeals shall follow the below procedure:

- a) Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment, student shall lodge an appeal by completing a Complaints and Appeals Form outlining their reasons, together with supporting evidence for the appeal.
- b) CEO shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- c) Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, PI will not update the student's status via PRISMS until the appeals process is completed, unless extenuating circumstances relating to the welfare of the student apply. PI is required to maintain all relevant responsibilities until the change in enrolment status has been reported to DHA via

PRISMS.

- d) If student want to appeal against a cancellation or suspension or Intent to Report to DHA, student has 20 working days to place a request.

Where PI considers more than 60 calendar days are required to process and finalise the complaint or appeal, PI:

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.

5.0 Corrective Actioning

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, Peach Institute must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action and PI will take the required corrective action within 28 days.

6.0 External Appeals (International/Overseas Students)

Should international student be dissatisfied with the outcome of the Complaints and Appeals, international student may access an external body like Overseas Student's Ombudsman (Free service for international students). Overseas Students Ombudsman (OSO) investigates complaints about problems that intending, current or former overseas students may have with private schools, colleges or universities (education providers) in Australia.

Overseas Students Ombudsman also provides information about best practice complaints handling to help private education providers manage internal complaints effectively and publishes reports on problems and broader issues in international education identified through investigations.

- Overseas Students Ombudsman
- Tel: 1300 362 072
- Website: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

If international student decides to appeal externally, student has 10 days from the date that appears at the Internal Appeal's Statement of Outcome. At the same time, student MUST notify PI that you intend to appeal externally. If, within the 10 day of the outcome, student have not notified PI that he/she has appealed to the external body, PI will consider that student do not intend to appeal externally and the complaint will be deemed closed. Finally, students may find out more about their rights and laws governing their stay in Australia from: <https://internationaleducation.gov.au/> or ESOS enquiries Tel: 1300 615 262.

7.0 Administration

All complaints and appeals will be discussed at Management Meetings for continuous improvement of the processes. All Complaints and Appeals are to be held on student file.