



Complaints and Appeals Policy

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| Policy Owner | Executive Director |
| Contact Officer: | Quality and Compliance Manager |
| Policy Number: | QHRPO009 |
| Approved by: | PIBT Management Group |
| Approval date: | 16 October 2008 |
| Last Reviewed: | October 2008 |
| Related Policies: | Harassment Guidelines Privacy Policy Equal Opportunity & Anti-Discrimination Guidelines Progress and Graduation Policy Appeal of Final Results form – available in portal Complaints & Appeals (Non-Academic) form – available in portal |

1. Overview

- 1.1. This policy has been developed to ensure all current and prospective students of PIBT are given access to free, effective and fair complaints resolution and appeals processes.
- 1.2. There are three separate processes depending on whether the complaint/appeal is related to
 - academic matters (refer to section 5.1);
 - non-academic matters (refer to section 5.2) or;
 - reporting students to DIAC (refer to section 5.3).

Section 5 sets out the valid grounds and procedures for each type of complaint or appeal.
- 1.3. This policy has been developed in line with requirements set out in HEP Guidelines (amendment effective January, 2007) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007).

2. Organisational Scope

- 2.1. Any current or prospective student of PIBT who experiences incorrect, inappropriate or unfair treatment in the course of their relationship with PIBT is entitled to access the complaints and appeals process set out in this policy, regardless of the location of the campus at which the matter has arisen, the student's place of residence or the mode in which they study.
- 2.2. Grievances experienced by PIBT staff are to be dealt with according to the terms set out in the PIBT workplace agreement.

3. Definitions

- 3.1. **DIAC:** Department of Immigration and Citizenship: The Australian government agency responsible for issuing students with visas.

- 3.2. **HEP Guidelines:** Guidelines for Higher Education Providers set down by the Department for Education Science and Training by (DEST) to ensure compliance with the Higher Education Support Act (HESA), 2003.
- 3.3. **Complainant:** A person lodging a complaint or appeal.
- 3.4. **Respondent:** A person responding to a complaint or appeal.
- 3.5. **CoE:** Confirmation of Enrolment is a document registered with DIAC to confirm a student's acceptance into a particular course for a specified duration.

4. Policy Principles

4.1. The principles which underpin this policy are as follows:

- 4.1.1. The Consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respects the right of a complainant to be heard by an impartial party;
- 4.1.2. Attempts will be made to resolve complaints and appeals as close to the source as possible;
- 4.1.3. Complainants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints process;
- 4.1.4. This complaints process does not restrict a student's or person's right to pursue other legal remedies;
- 4.1.5. Staff will make all attempts to respond to complaints within the time limits set out in this policy;
- 4.1.6. All procedures will be made available to the public on the PIBT website;
- 4.1.7. Complainants and/or respondents have the right to be represented by a third person (such as family member, friend, counselor other professional support person other than a qualified legal practitioner) if they so desire;
- 4.1.8. All communications arising from the complaints process, together with the proceedings of the Appeals and Complaints Committee, will remain confidential, except to the extent necessary to give effect to this Complaints and Appeals Policy.
- 4.1.9. Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.

5. Policy Content

5.1. Academic Complaints

- 5.1.1. The Academic Complaints and Appeals process is for matters which relate to:
 - Assessment and results
 - Student progress
 - Conferral of Awards

If at any point, a student becomes dissatisfied in relation to these matters, they should commence Stage One (Academic) complaints procedures which are explained below.

At any point in this process, a complainant may seek advice from:

The Conciliator
Department of Education Services
22 Hasler Road
OSBORNE PARK WA 6017
Telephone: 08 9441 1953
Email: anne.duncan@des.wa.gov.au

Complainants who require assistance with preparing a written complaint or appeal may contact the Student Counsellor for support.

- 5.1.2. PIBT Students have access to a 4 stage complaints and appeals process as follows:

Stage One (Academic) - Informal

The first step is direct communication between the complainant and respondent to allow both parties to discuss their point of view and attempt to resolve the problem. The complainant should communicate the matter to the relevant staff member within 15 working days of becoming aware of the problem, by lodging the Appeal of Final Results form.

The complainant is entitled to request and receive from the respondent a written response giving reasons and full explanation for decisions and actions taken.

Students who require help in preparing a written complaint may contact the Student Counsellor for assistance.

Stage Two (Academic) - Formal Complaints & Appeals Process

If, after undertaking Stage One, or in situations where Stage One is not possible, the complainant should lodge their complaint in writing (using the Appeal of Final Results form) to the Deputy Academic Director (or nominee) within 15 working days of the complaint issue becoming known. Within a further five working days, the Deputy Academic Director (or nominee) will explain to the complainant the course of action to be taken and possible outcomes of the appeal. In some cases the matter will be referred to an ECU Unit Coordinator for a decision.

To avoid any conflict of interest, where the Deputy Academic Director has been involved at the informal stage, the matter must be referred to an independent and appropriate academic staff member to carry out Stage Two.

Within 15 working days of receipt of the appeal, the Deputy Academic Director (or nominee) will provide in writing the outcome of this step of negotiations to both complainant and respondent.

Stage Three (Academic) - Appeals and Complaints Committee

Where the complainant is unsatisfied with the outcome of Stage Two and believes that:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with PIBT policy or procedures; or
- the decision was made contrary to the evidence provided;

the complainant can lodge a written statement of their complaint with the Managing Director. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

NOTE: Any Stage Three Appeal must be based on the failure to comply with the process. A complainant cannot lodge a complaint to the Committee on the basis that he/she disagrees with the professional assessment of two academic staff.

The Appeals and Complaints Committee consisting of the Managing Director, Academic Director and Director of Finance and Administration (or nominees), will consider the complaint within 10 working days of receipt. The Committee may ask either the complainant or respondent (or both) to present their case in person to the Committee.

To avoid any conflict of interest, where the Academic Director has been responsible for the decision being appealed or has been involved in the outcome of Stage One or Two, they must nominate another senior staff member to stand in their place on the Appeals and Complaints Committee.

Stage Four - External Agencies

Where the complainant is unsatisfied with the outcome of the Stage Three and believes that at the Appeals and Complaints committee:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with PIBT policy or procedures; or
- the decision was made contrary to the evidence provided;

they may request that the matter to be referred to PIBT's nominated independent appeals reviewer as follows:

Richard MacWilliam
Email: rmacwill@bigpond.net.au
Phone: Refer to phone book under P. MacWilliam

The independent reviewer will review the case, seeking input from all parties before making recommendations to PIBT within 15 working days.

5.2. General (Non-Academic) Complaints

- 5.2.1. The General Complaints process is for matters which relate to:
- Customer services and administration
 - Marketing and information
 - Facilities
 - Fees and finance related matters
 - Welfare

If at any point, a complainant becomes aggrieved, they should commence Stage One complaints procedures as outlined in this policy.

At any point in this process, a complainant may seek advice from:
The Conciliator
Department of Education Services
22 Hasler Road
OSBORNE PARK WA 6017
Telephone: 08 9441 1953
Email: anne.duncan@des.wa.gov.au

5.2.2. PIBT Students have access to a four stage complaints process as follows:

Stage One (Non-Academic) - Informal

The first step is direct communication between the complainant and respondent to allow both parties to discuss their point of view and attempt to resolve the problem. The complainant should communicate the matter to the relevant staff member within 10 days of becoming aware of the problem by sending an email to feedback@pibt.wa.edu.au

The complainant is entitled to request and receive from the respondent a written response giving reasons and full explanation for decisions and actions taken.

Students who require help in preparing a written complaint may contact the Student Counsellor for assistance.

Stage Two (Non-Academic) - Formal Complaints Process

If, after undertaking Stage One, or in situations where Stage One is not possible, the complainant should lodge their complaint in writing by lodging a Complaints & Appeals (Non-Academic) form within 10 working days of the complaint issue becoming known. The Student Experience Manager will discuss with the complainant options to resolve the matter.

To avoid any conflict of interest, where the Student Experience Manager has been involved at the informal stage, the matter must be referred to an independent and appropriate staff member to carry out Stage Two.

Within 15 working days of receipt of the complaint, the Student Experience Manager (or nominee) will provide in writing the outcome of this step of negotiations to both complainant and respondent.

Stage Three (Non-Academic) - Appeals and Complaints Committee

Where the complainant is unsatisfied with the outcome of Stage Two and believes that:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with PIBT policy or procedures; or
- the decision was made contrary to the evidence provided;

the complainant can lodge a written statement of their complaint with the Managing Director. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

The Appeals and Complaints Committee will consider the complaint within 10 working days of receipt. The Committee may ask either the complainant or respondent (or both) to present their case in person to the Committee. All parties will be advised in writing of the outcome of this step of negotiations.

Stage Four - External Agencies

Where the complainant is unsatisfied with the outcome of the Stage Three and believes that at the Appeals and Complaints committee:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
 - the process was not carried out in accordance with PIBT policy or procedures; or
 - the decision was made contrary to the evidence provided;
- they may request that the matter to be referred to PIBT's nominated independent appeals reviewer as follows:

Richard MacWilliam
Email: rmacwill@bigpond.net.au
Phone: Refer to phone book under P. MacWilliam

The independent reviewer will review the case, seeking input from all parties before making recommendations to PIBT within 15 working days.

5.3. Appeals against reporting students to DIAC

- 5.3.1. Appeals under this category will be in response to PIBT notifying a student that they intend to report the student to DIAC for not complying with the conditions of their student visa. This may occur in relation to:
- Poor attendance;
 - Unsatisfactory Academic Progress; or
 - Failure to maintain enrolment in a registered course (as stated on the CoE).

Once PIBT notifies a student of their intention to report them to DIAC, the student may commence the Stage One appeals procedure which is explained below.

At any point in this process, a complainant may seek advice from:
The Conciliator
Department of Education Services
22 Hasler Road
OSBORNE PARK WA 6017
Telephone: 08 9441 1953
Email: anne.duncan@des.wa.gov.au

- 5.3.2. PIBT students who receive a notice that they will be reported to DIAC have access to a four stage appeals process as follows.

Stage One (DIAC reporting) - Informal

Once students are notified that they will be reported to DIAC they have 20 working days from the date of the notice to contact the Student Counsellor to discuss the matter and provide information which may change the outcome of the reporting process.

Students are advised to undertake this step as soon as a notice to report them to DIAC has been received.

Stage Two (DIAC reporting) - Formal Complaints Process

If, after undertaking Stage One, or in situations where Stage One is unsuitable, the student should lodge their appeal in writing by lodging the Complaints & Appeals (Non-Academic) form within 20 working days to the Deputy Academic Director who will arrange a time to discuss the matter.

The student and the Student Counsellor will be advised in writing of the outcome of this step of negotiations.

Stage Three (DIAC reporting) - Appeals and Complaints Committee

Where the student is unsatisfied with the outcome of Stage Two and believes that:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with PIBT policy or procedures; or
- the decision was made contrary to the evidence provided;

the student can lodge a written statement of their appeal with the Managing Director. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

The Appeals and Complaints Committee will consider the appeal within 10 working days of receipt. The Committee may ask either the student or respondent (or both) to present their case in person to the Committee. All parties will be advised in writing of the outcome of this step of negotiations.

Stage Four (DIAC reporting) - External Agencies

Where the complainant is unsatisfied with the outcome of the Stage Three and believes that at the Appeals and Complaints committee:

- they did not have sufficient opportunity to present their case to the decision-maker ; or
- the process was not carried out in accordance with PIBT policy or procedures; or
- the decision was made contrary to the evidence provided;

they may request that the matter to be referred to PIBT's nominated independent appeals reviewer as follows:

Richard MacWilliam

Email: rmacwill@bigpond.net.au

Phone: Refer to phone book under P. MacWilliam

The independent reviewer will review the case, seeking input from all parties before making recommendations to PIBT within 15 working days.



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6. Administrative procedures

This policy and related documentation is accessible through the PIBT website at:

<http://www.pibt.wa.edu.au/index.php/publications-and-forms.html>

- 6.1. Records of all complaints and appeals will be kept for a period of five years. These records will be strictly confidential and filed separately from student files. These records will be under the responsibility of Deputy Academic Director (Academic); Complaints and Appeals Manager (Non-Academic), Academic Administration Manager (DIAC reporting).
- 6.2. Any recommendations for process improvement or policy change arising out of any stage of the complaints and appeals process will be forwarded the Quality Committee for recording and consideration.
- 6.3. This policy and related procedures will be communicated to staff via email and ongoing staff information sessions. New staff will receive policy information during the induction process.
- 6.4. Recommendations arising from any external review of the Complaints and Appeals Policy or procedures should be implemented within 90 days of notification.