

FOUNTAIN College

# Complaints & Appeals Policy

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# Policy Title: Complaints & Appeals Policy

## Policy Statement

The purpose of this policy is to provide guidelines to assist FOUNTAIN College to:

- A fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training and assessment, and a requirement to meet National Code of Practice 2007 Standard 8 – Complaints and Appeals
- While FOUNTAIN College will make every effort to provide satisfactory services to students, we accept that there may arise situations where students have genuine cause for grievance about the educational or support services we provide.
- In such situations, there are internal and external processes available to students to provide them with the opportunity to have grievances addressed and resolved. Information on these procedures will be provided during students' Orientation Program at the beginning of each intake.

## General Policy

- All reasonable steps will be taken to ensure that complaint and appeals processes are fair, objective, and consistently applied. Every effort will be made to settle the complaint or appeal to the satisfaction of both the student(s) and FOUNTAIN College.
- Complaints and appeals will be dealt with promptly. The time involved will vary with the complexity of the matter being appealed. Complaints and appeals must be heard within 10 working days from receipt of the Complaint/Appeal Application form and supporting information. All reasonable measures are taken to finalise the process as soon as practicable.
- Students have the right, where reasonable grounds exist, to make a formal complaint and have an appeal heard.
- FOUNTAIN College's time period for the acceptance of appeals is 20 working days after the student has been issued with the results of their assessment; notification of intention to report to DIBP or cancellation of enrolment; and notification of refusal of requests to transfer to another course or another provider, or other matter.
- No student or staff member should be subject to any detriment as a result of a complaint or appeal being made and/or heard.
- Any student or staff member involved in a complaint or appeal process will be provided with the support and advice they need to participate effectively.
- Students and staff will observe strict confidentiality when dealing with all stages of the complaint and appeal process.

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- Each student will have the opportunity to formally present his or her case and is given a written statement of the appeal outcomes, including reasons for the decision.
- Students have the right to be accompanied and assisted by a support person at the relevant meetings.
- Fountain College will keep proper records of all informal and formal discussions conducted under this policy and procedure and their outcome on student files.
- The internal complaint or appeal process is free of charge.

## Grounds for Appeals and Complaints

- The following are acceptable grounds for making complaint or an appeal:
  - A student or group of students has been disadvantaged in assessment as a result of:
    - ✧ an official process or procedure not being followed
    - ✧ methods of assessment have been inconsistently or incorrectly applied to the work of an individual student or a group of students
    - ✧ Special circumstances may have applied that affected the student's capacity to meet the requirements of the assessment. Examples include, but are not limited to illness or injury, family or personal circumstances, or unforeseen circumstances that affected student's ability to participate in or complete the assessment
  - Notification to report a student to the Department of Education and Training for unsatisfactory academic progress or notification to report a student to the (DIBP) for unsatisfactory attendance.
  - Intention to suspend or cancel a student's enrolment.
  - Refusal of a student's request to transfer to another course or another provider.
  - Any other reasonable grounds deemed acceptable by the Principal or nominee.
- A complaint may be made about any matter related to FOUNTAIN College and the services and programs it offers.

## Complaint and Appeal Processes

### Complaints Procedure

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### Informal Complaint Process

- Any student with a question or complaint may raise the matter with staff of FOUNTAIN College and attempt an informal resolution of the question or complaint.
- Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless FOUNTAIN College staff member involved determines that the issue question or complaint was relevant to the wider operation of FOUNTAIN College.
- Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

### Formal Complaint Process

- Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint a student must complete the complaint application form and contact the **Student Contact Officer** to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted.
- The following matters must be lodged as formal complaints within 20 days of notification of an intention to report the student to DIBP in order to be considered by the College.
  - Deferral of commencement, suspension or cancelling a student enrolment
  - Non achievement of satisfactory attendance
  - Non achievement of satisfactory course progress
- At the stage of the complaint meeting the complaint must be recorded in writing and signed and dated by the complainant and the **Student Contact Officer**. The complaint is recorded in writing by completing the complaint application form prior to the meeting.
- The **Student Contact Officer** will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
- A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- At the end of the resolution phase the **Student Contact Officer** will report the College decision to the student. The College decision and reasons for the decision will be documented by the **Student Contact Officer** and placed in the students file.

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- Following the resolution phase the College will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.

## SUMMARY OF COMPLAINTS PROCEDURE

### Step 1

The student takes the matter directly to the staff member involved or responsible for the matter of the complaint, OR

If the student does not wish to discuss the problem with the staff member directly involved, the student can discuss the complaint with any other staff member, who will take the matter up with the staff member concerned. If the problem is resolved the staff member will confirm the resolution action.

### Step 2

The student can approach the **Student Contact Officer** with a written statement of the grievance. Alternatively the student can email the **Student Contact Officer**. The **Student Contact Officer** will discuss the matter with the Head of Department. Further, the Coordinator may contact the student and organise an appointment to discuss and resolve the complaint. If the matter is resolved, the **Student Contact Officer** will advise the student in writing.

### Step 3

If the complaint is not resolved, it will proceed to the Appeal Process.

## Appeals Procedure

### Internal Appeals

- Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by FOUNTAIN College.
- The student must submit an Appeal Application Form at reception within 20 working days of their receipt of the notification of intention to report to DIBP for unsatisfactory progress or attendance.
- Students appealing an assessment or outcome will be given the opportunity for reassessment by a different assessor selected by FOUNTAIN College. Costs of reassessment will met by FOUNTAIN College. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.

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- A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- The appeals process is initiated by a student completing an Appeal Application Form to reception.
- The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- An Appeal Panel comprising two senior staff members not directly involved in the matter will be convened by the Student Services Co-ordinator within 10 working days of the appeal application being received.
- The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the College and placed in the student file.
- The decision of the Appeal Panel will be communicated to the student in writing within 10 working days, unless the Appeal Panel decides that additional investigation, information or monitoring is required. In this case the student will be advised of the decision within 10 working days of the Appeal Panel reaching a decision.
- Following the internal appeals phase FOUNTAIN College will implement the decision as conveyed to the student and will undertake any improvement actions arising from the complaint.
- There are no further avenues within FOUNTAIN College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available

### **MEDIATION**

- Students may seek assistance from a formal external authority within 20 days if they are not satisfied with the decision reached. DES (Department of Education Services) provides a mediation service at no cost to the student: International Education Conciliation Service by DES
- The International Education Conciliation Service phone number is: 08 9441 1900
- Their email is: [conciliation@des.wa.gov.au](mailto:conciliation@des.wa.gov.au)
- Further information about the conciliation service is available at: <http://www.des.wa.gov.au/internationaleducation/ieconciliation/Pages/For-students.aspx>
- If students are still not satisfied, they may continue with the external appeal.

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## External Appeals

Overseas Students Ombudsman

[www.oso.gov.au](http://www.oso.gov.au)

Phone Number: 1300 362 072

[ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Enquiry Link:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=enquiry-form>

Complaint Form Link:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

- The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. For example, if a student appeals against his or her subject results and goes through the College internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
- The external appeals procedure will be determined by the Overseas students Ombudsman.
- Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.
- If an appeal is against a College decision to report the student for unsatisfactory course progress or unsatisfactory attendance the College must 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.
- If an appeal is against a College decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DIBP of the change to the student's enrolment.
- Nothing contained in this Complaints and Appeals procedure prevents a student from exercising their rights to other legal remedies or obtaining advice from other authorities or agencies [the school will not indemnify such services]:

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