



## Australian Computer Society Policies and Procedures: Complaints and Appeals

**Relevant Standards: Standards for RTOs 2015: Standard 6.1 – 6.6; ESOS Act: National Code Standard 10**

### Definitions

**Complaints and Appeals Tribunal** – External arrangement of third party Tribunal agreed by both parties.

**Overseas Students Ombudsman** - The Overseas Students Ombudsman investigates complaints about problems that intending, current or former overseas students have with private schools, colleges and universities (education providers) in Australia, further information can be found [www.oso.gov.au](http://www.oso.gov.au)

**Department of Education** - The Department of Education and Training is responsible for national policies and programmes that help Australians access quality and affordable early child care and childhood education, school education, higher education, vocational education and training, international education and research. For further information [www.education.gov.au](http://www.education.gov.au)

**Department of Home Affairs (formerly Department of Immigration and Border Protection - DIBP)** - When you are planning to visit Australia, there are important things you should know such as what visas to apply for and requirements for the visa application, your obligations while in Australia and information about complying with the conditions of your visa. For further information [www.border.gov.au](http://www.border.gov.au)

### Purpose and Scope

The purpose of this Policy and Procedures is to ensure that ACS manages and responds to any allegations involving the conduct of:

- ACS, its trainers, assessors, or other staff
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- a learner of the RTO.

### Responsibility

- The **Director of Education** is responsible for this policy.
- The **Education Program Manager** is responsible for the implementation of this policy and is responsible for the day to day management of this policy.
- The **Education Compliance Manager** is responsible for the maintenance of this policy.



## Policy

ACS has a complaints and appeals policy to manage requests for a review of decisions, including assessment decisions, made by ACS trainers/assessors or a third party providing services on behalf of ACS.

### Complaints and Appeals Policy Principles

Respecting the mutual rights and responsibilities of all staff and students, the Australian Computer Society has adopted the following principles as guides for addressing and resolving all complaints and appeals.

The Australian Computer Society is committed to:

1. Observing the principles of natural justice in the resolution of complaints and appeals – the parties involved should respect each other’s rights and responsibilities, act with openness, fairness and flexibility, and with no fear of retribution, victimisation or breach of confidentiality
2. Openly informing students as to their rights and responsibilities as international/domestic students and the Australian Computer Society’s policies and procedures.
3. Dealing with grievances, complaints and appeals impartially and, in the first instance, informally, and seeking resolution in a timely manner – all concerned parties will be fully informed of all outcomes/decisions and of the reasons for those decisions.
4. Respecting the right of all parties to nominate a third person to support their representation, including the use of an interpreter.
5. Maintaining full records of complaints and appeals, their processing and resolution, and making them available to all parties.
6. Respecting the rights of students to remain enrolled throughout all stages of any internal and external appeals processes they enter, except in cases of suspension or cancellation of enrolment for serious misbehavior (suspected criminal activity, a student being a danger to themselves and/or others, etc.).

### Complaints Procedures:

The Australian Computer Society’s (ACS) **Complaints Policy and Procedures** relate to situations in which a student has a grievance relating to:

- ACS Partner’s facilities, including building, classrooms, information technology and/or learning resources;
- administrative, educational and/or student services procedures and/or delivery;
- unfair behaviour on the part of a trainer;
- a ‘breach’ of the ACS Student Code of Conduct by another party;
- a student being assessed as Not Yet Competent when the student believes the assessment tool and procedures were in some way invalid – either inappropriate or not implemented correctly; and/or



- in the case where an international student is concerned and where the student has a PRISMS entry which they believe is unjustified on grounds such as the availability, compliance and/or implementation of Australian Computer Society policies and procedures

Students with a grievance or complaint are encouraged to first seek an informal resolution by directly raising the matter with the person responsible. If desired the persons involved may also seek the informal advice of appropriate third parties such as the welfare officer, a trainer or other staff member. Where these informal approaches resolve the grievance the agreed adjustments and changes will be implemented at that level.

Where informal resolution is either unsuccessful or inappropriate, students can initiate the Formal Complaints procedures by reporting the matter in writing to the Course Coordinator or Education Program Manager or equivalent. The formal complaints process requires that the student includes clear documentation, for example by the use of the complaints forms to record their complaint or appeal.

On receipt of a complaint the ACS or relevant Partner's Course Coordinators or equivalent will check the details and any attached documentation, and complete the complaints register and refer it and the associated materials to an appropriate investigating officer (varies depending on the nature/subject of the complaint). This must be completed within three working days of the receipt of the complaint. The same process applies to external complaints.

In all cases, and especially in complaints relating to the conduct of staff, trainers, providers / partners and/or students, the investigation of complaints will be undertaken by an officer in a higher position and removed from the person identified in the complaint, either directly or indirectly.

The Investigating Officer will:

- examine the complaint and associated documentation;
- if necessary interview the complainant and any other relevant people the subject of or involved with the complaint (with all parties able to nominate an appropriate support person);
- where appropriate, facilitate negotiation and conciliation between the parties;
- make a recommendation for resolving the complaint; and
- clearly document the complaint
- pass all information on to the Course Coordinator or equivalent to make a decision and respond to the complaint
- Visit the site if required to investigate and gather further information

On receipt of the complaint and the investigating officer's recommendations, the Course Coordinator or equivalent will review the case and recommendations and make a decision to:

- endorse a conciliated/negotiated resolution or if required specified conditions
- resolve the complaint in favour of the complainant.
- Dismiss the complaint on the basis that it is unsupported by the evidence provided and as such unfounded.



The appropriate person (as above) will notify the complainant of their decision in writing, providing:

- the reasons for the decision;
- information relating to any actions to be taken by all parties as a result of the decision; and
- information informing them of the right of either the complainant or respondent to make a formal Internal appeal against the decision.

The Course Coordinator or equivalent will also identify potential causes of the complaint and will determine appropriate corrective action to be taken by the ACS or partner to eliminate or mitigate the likelihood of reoccurrence.

It is expected that this process will be completed in a timely fashion, normally within 10 working days.

Where the appropriate person (as above) considers that more than 60 calendar days are required to process and finalise the complaint, they will:

- inform the complainant in writing, including the reasons why more than 60 calendar days are required, and will
- regularly update the complainant on the progress of the matter.

All formal complaints and decisions made by ACS staff or their partnering organisations will be documented and recorded in a secure location.

### **International Students Appeals Process – Accredited courses**

The Australian Computer Society's **Appeals Policy and Procedures** are designed to resolve situations where an ACS decision made in relation to a student is seen by that student as being against their interests and in some way contestable. Such decisions potentially include:

- a student being sent an Intention to Report Letter for unsatisfactory attendance (see Australian Computer Society's Monitoring Attendance Policy and Procedures);
- a student being sent an Intention to Report Letter for unsatisfactory academic progress (see Australian Computer Society's Monitoring Course Progress Policy and Procedures);
- a student being notified of an intention to suspend or terminate their enrolment as a result of their breaching the ACS Student Code of Conduct;
- a student not being able to resolve a complaint (from the student's perspective) through the informal and formal complaints procedures;
- a student having their application for a release letter to transfer to another registered provider rejected;
- a student having an application for a refund of tuition fees rejected;
- a student having their application for a change of course rejected;
- a student having their application for leave of absence rejected; or
- a student having their application for course credit rejected.



## Submitting Internal Appeals

The Australian Computer Society appeals procedures can be triggered by a student seeking to prevent or reverse an action by the ACS or one of its Partner organisations which is viewed by the student as invalid or unjustified, including:

- a student being sent an Intention to Report Letter for unsatisfactory attendance (see Australian Computer Society's Monitoring Attendance Policy and Procedures);
- a student being sent an Intention to Report Letter for unsatisfactory academic progress (see Australian Computer Society's Monitoring Course Progress Policy and Procedures);
- a student being notified of an intention to suspend or terminate their enrolment as a result of their breaching the ACS Student Code of Conduct;
- a student not being able to secure an acceptable resolution (from the student's perspective) of a complaint through the informal and formal complaints procedures;
- a student having their application for a release letter to transfer to another registered provider rejected;
- a student having an application for a refund of tuition fees rejected;
- a student having their application for a change of course rejected;
- a student having their application for leave of absence rejected; or
- a student having their application for course credit rejected.

## Unsatisfactory Academic Progress and/or Attendance

When a student is sent an **Intention to Report Letter** for unsatisfactory attendance and/or academic progress, it will inform them of:

- the intention to report them;
- the reasons for this;
- their right to appeal within twenty (20) working days from the receipt of the letter;
- how to enter the appeal process; and of
- the possible grounds for an appeal, namely that:
  - The ACS or one of its Partner organisations had not made the performance requirements and Appeals Policies and Procedures available to the students; and/or
  - The ACS or one of its Partner organisations had not measured/recorded the relevant requirements correctly, and had thereby made a demonstrably wrong decision; and/or
  - The ACS or one of its Partner organisations had not implemented its procedures in accordance with its published policies and procedures; and/or
  - Demonstrable compassionate and/or compelling reasons were responsible for or contributed to the student's unsatisfactory attendance.

If a student fails to submit an internal appeal within 20 working days of receiving an Intention to Report Letter, or appeals but then withdrawals from the internal appeals process before its resolution, the ACS Partner will notify the ACS, who will then notify the



Department of Education and the Department of Home Affairs through PRISMS that the student has failed to maintain satisfactory performance (attendance and/or academic progress).

If a student appeals against being reported, the student's enrolment will be maintained throughout the internal and, if that process ends in a decision against the student, any possible subsequent external appeals process. An ACS or any of its Partner organisations will not cause the student to be reported to the Department of Education and the Department of Home Affairs via PRISMS for unsatisfactory attendance and/or academic progress unless and until the internal and (if utilised) external appeals processes are complete and have supported the ACS Partner's initial intention to report.

Students will be expected to continue to meet all course attendance and progress requirements throughout the appeals processes.

Apart from situations in which circumstances prevent it, all student internal appeals will be processed within twenty days and the outcome of the appeal will be conveyed to the student in a timely manner.

### **Breach of Code of Conduct**

When a student is sent an **Intention to Suspend/Cancel Enrolment letter** informing them that the ACS or one of its Partner organisations intends to either suspend or cancel their enrolment due to the student breaching the ACS Student Code of Conduct that letter will inform them of:

- the intention to report them;
- the reasons for this;
- their right to appeal within twenty (20) working days from the receipt of the letter;
- how to enter the appeal process; and of
- the possible grounds for an appeal, namely that:
  - the ACS or one of its Partner organisations had not made the relevant policies and procedures and requirements available to the students; and/or
  - the ACS or one of its Partner organisations had not measured/recorded the relevant requirements correctly, and had thereby made a demonstrably wrong decision; and/or
  - the ACS or one of its Partner organisations had not implemented its procedures in accordance with its published policies and procedures; and/or
  - demonstrable and previously unconsidered compassionate and/or compelling reasons significantly contributed to the student's situation.

Depending on the severity of the breach of the Code of Conduct, the ACS or its Partner organisation will either:

- hold any implementation of its original decision/outcome for the period of any Internal and, if that process ends in a decision against the student, any subsequent external appeals process; or
- immediately implement the intended suspension/cancellation of enrolment.



A student who enters the appeals process and whose enrolment is not immediately suspended/cancelled will be expected to continue to meet all course attendance and progress requirements throughout the appeals processes.

If a student fails to submit an appeal within 20 working days of receiving the Intention to Suspend/Cancel Enrolment letter, or appeals and then withdrawals from the Internal Appeals process before its resolution, ACS or its Partner will implement its original intention. All such actions must be done in consultation with the ACS.

### **Rejection of Application**

When a student's application for:

- Leave of Absence
- Course Withdrawal and Release Letter
- Refund of Tuition Fees
- Change of Course Preference, or
- Application for Course Credit

is rejected, the student is sent notification informing them of the decision and:

- the reasons for the decision;
- their right to appeal against the decision;
- the possible grounds for an Internal Appeal; and
- the procedure for lodging an Internal Appeal by submitting a completed Student Appeal Form along with relevant supporting documentation.

If a student fails to submit an Internal Appeal within 20 working days of receiving Complaint Outcome letter, or appeals and then withdrawals from the appeals process before its resolution, or if the appeal is rejected, the ACS or their Partner organisation will maintain it the original decision/outcome.

If a student appeals against the decision/outcome, and the appeal is successful, the ACS or their Partner organisation will reverse its original decision and act in accordance with the determination.

Students will be expected to continue to meet all course attendance and progress requirements throughout the appeals processes.

### **Processing Internal Appeals – Accredited and Non-Accredited courses**

All Internal Appeals will be processed within 20 working days of the appeal being submitted, with the Appellant being informed by the close of business on the twentieth day. If for unavoidable reasons the investigation of an Internal Appeal is held up, and the appeal cannot be resolved within twenty working days, the Appellant will be notified of this and advised when the outcome will be communicated to him/her.



The ACS or their Partner organisation's RTO Manager is ultimately responsible for the coordination and management of all Internal Appeals in consultation with the ACS where appropriate.

All Internal appeals will be submitted to the Student Services Officer for initial registration and referral for investigation. This entails:

- attaching a Complaint and Appeal Registration Form (where applicable), and completing Section 1 of the Form, entering the student's name, student number, the date on which the complaint was lodged, the deadline date for the Response to the Appeal, and the type of appeal;
- informing (in person or by telephone call or email) the student that they have a right to make a personal representation of their case to the responsible officer, and that they have a right to be accompanied by a support person at such a meeting;
- referring the appeal along with the Complaint and Appeal Registration Form (where applicable) to the responsible investigation officer to complete Section 2 of the Complaint and Appeal Registration Form.

The designated responsible investigating officer will be the appropriate staff member for the area in which the complaint has been made.

The responsible investigating officer will:

- gather relevant information and documents;
- make a preliminary evaluation of the materials (for example, checking the validity of medical certificates);
- enter the relevant information in Section 2 of the Complaint and Appeal Registration Form (where applicable);
- refer the appeal to the RTO Manager or other appropriate staff member;
- where necessary, the investigating officer will source information from other staff; and
- send all documentation to the ACS for review.

If a student decides to take up the opportunity to make an in-person presentation of their case (with or without a support person being present) the RTO Manager (or the appropriate staff member) will:

- facilitate that meeting at a time and place mutually agreeable to both parties;
- conduct the meeting, ensuring that minutes are taken;
- document all relevant information and insert it in the student's file and/or on the student management system;
- send a copy of all relevant documentation to the ACS for review (where applicable).
- When required the above actions may also be undertaken by ACS.

The responsible staff member will then:

- in conjunction with the ACS, formulate a recommended outcome and related action;
- document the action appropriately; and
- refer the appeal to the appropriate senior manager for final resolution.



For Code of Conduct related appeals the appropriate staff member's (as above) recommended decisions and supporting reasons will be referred to the ACS's Education Program Manager who carries responsibility for determining the outcome of internal appeals relating to breaches.

The Manager will:

- confirm that all necessary steps have been taken;
- evaluate the available material pertaining to the appeal;
- decide on the final determination;
- document the decision and the reasons for the decision appropriately; and
- refer the appeal documents to the ACS Partner's Student Services (if necessary).

The ACS or their Partner organisation's Student Services Officer will:

- inform the student appropriately and make an entry in the student's file and/or student management system;
- make soft copies of all the appeal documents and save them in electronic format in the appropriate location;

*If the Internal Appeal is successful* documentation must be provided to indicate that the appeal has been successful and advise the student to maintain satisfactory attendance and academic performance and requiring them to make an appointment with the ACS or the Partner organisation's RTO Manager to sign an agreement/plan designed to ensure that the student maintains satisfactory attendance, maintains satisfactory academic progress and completes their course in the normal time (where appropriate).

If a student's Internal Appeal is approved the reason for the approval will be conveyed by the Student Services officer to both the Partner's RTO Manager and the responsible investigating Officer so that any required corrective action/s can be identified and implemented.

*In the case of accredited courses if the Internal Appeal is rejected* documentation must be provided to advise the student of the grounds for the rejection, and advise them of their right to external appeal to the Overseas Students Ombudsman, and indicating that if nothing is heard from the student within 10 working days of student being informed, the original/intended decision/action will be implemented. The student will be requested to inform the Student Services Officer if they decide to make an external complaint/appeal, with attached documentary evidence of their lodging the complaint/appeal.

In the case of accredited *courses* if a student lodges an external appeal against a decision made by ACS or one of their Partner organisations to reject their appeal and to report them for either unsatisfactory attendance or unsatisfactory academic progress, implementation of the original/intended decision/action will be deferred for as long as the external appeal process takes, and the student will be informed of his/her obligations to maintain satisfactory attendance and academic performance for that period.

In the case of accredited courses if a student remains dissatisfied with these appeals policies and procedures and/or the outcome of these procedures, they can contact



Australian Education International (AEI) through the [ESOS online enquiry form](#) or through the ESOS enquiries phone number 1300 615 262, but only if the student believes that the provider's appeals process was not conducted correctly or that the provider did not make the appeals process available to the student.

### **Accredited and Non-accredited courses**

In all matters not related to unsatisfactory attendance or academic progress where the ACS decides against a student's internal appeal, the student will have the same right to external appeal, but the ACS Partner will implement the ACS's decision as soon as the student is notified.

At all times through any appeals procedures the student's file and electronic record will be promptly updated to include the outcome of any appeals process, and any subsequent actions. Students who are reported via PRISMS will be sent a letter to their last known address notifying them that they have been reported, and advising them to contact Department of Home Affairs in relation to possible implications for their student visa.

### **Unsatisfactory Complaint/Appeal Resolution**

If the student feels that their complaint was not resolved satisfactorily by ACS, or one of its Partner organisations, the respondent will inform the student:

- that if they are dissatisfied with the decision/outcome, they have a right to appeal and enter the external appeals process within twenty (20) working days from the receipt of the letter;
- of their right to submit an external appeal to the Complaints and Appeals Tribunal or the Overseas Students Ombudsman; and
- of the possible grounds for an external appeal.

If a student appeals against the decision/outcome, the ACS or the Partner organisation will determine whether or not to implement its original decision/outcome prior to or after the internal appeal outcome is determined. Should the original decision be implemented and the appeal is subsequently determined in favour of the student, the ACS or the Partner organisation will reverse its implementation.

### **Compassionate and Compelling Circumstances**

On application, and with sufficient professional documentary and professional evidence, students may be professionally judged as having compassionate and/or compelling reasons for their failure to enrol on time and/or attend scheduled classes.

When determining whether or not compassionate and/or compelling circumstances exist, the ACS Partner, in conjunction with the ACS, will consider documentary evidence provided to support the claim, and copies of such documents will be kept, together with a record of the decision and the basis for the decision, in the student's file, and recorded in the student management system and reported to the ACS for recording in PRISMS where applicable.



In determining whether or not compassionate and/or compelling circumstances exist the ACS Partner will follow the requirements set down in ***ESOS National Standard 9 Deferring, suspending or cancelling the overseas Student's enrolment*** and the ACS's Policies and Procedures relating to those requirements (see Australian Computer Society *Deferring, suspending or cancelling the overseas student's enrolment Policies and Procedures*).

For non-accredited courses, consideration will be determined on a case by case basis along with the supporting evidence provided.

## Review and Improvement

The Australian Computer Society is committed to ongoing monitoring and improvement of its policies and procedures, and to this end has an integrated strategy including:

1. The Management Team, ACS Education conducting reviews of specific elements of the appeals policy and procedures when an appeal is upheld and thereby indicating a possible problem to be addressed. This will then be referred to the ACS Director of Education.
2. Staff at the Partner institution with responsibilities relating to the managing of appeals being encouraged to submit any concerns about, and suggestions for making improvements to the appeals policies and procedures to the appropriate Manager in the Partner institution who is responsible for ensuring that appropriate responses are reported to the ACS for development.
3. The Management Team, ACS Education and the Partner organisation will review and debrief after the complaint and / or appeal concludes. All information will be documented to provide ways of continuous improvement within ACS and / or the partner organization to prevent similar complaints and appeals from reoccurring. ACS and / or the Partner organisation will look at additional training to staff and implement support mechanisms if required.
4. The Management Team, ACS Education managing a review of all Australian Computer Society's policies and procedures relating to the ESOS National Code, every 2 years or as needed review of the written Policy and procedures documents, both of which may lead to modifications and improvements.
5. The Education Compliance Manager at the ACS monitoring legislative and regulatory changes to ensure that policies and procedures are updated and fully compliant with the National Code.

## Related Documents

ACS Complaints and Appeals Registration Form

ACS Complaints and Appeals Register



**End of Document**  
**Complaints and Appeals**  
**Authors**

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**Version History**

Date	Version	Revision History	Author /Reviser
September 2014	1	Original document	DS
November-December 2014	2-5	Minor changes in formatting /wording	DS
July 2015	5.1	Updated to incorporate Standards for RTOs 2015, edited by Education team	Tania Giovanoglou
August 2015	5.2	Minor changes to formatting/accuracy of information and final edit	DS
October 2015	5.3	Minor changes to wording, addition of information regarding continuous improvement mechanisms and implementation	GA
September 2017	5.4	Minor changes to document. Updates as needed relating to Standards. Updates to accredited and non-accredited courses.	Glancyce Attard
April 2018	5.5	Minor updates to references to ESOS Nat code 2018. Updates to reflect Dept of Home Affairs instead of DIBP.	Louise Smith, Glancyce Attard & Derinda Smith

**Approvals**

This document requires the following approvals.

Date of issue and version details must be entered upon approval.

Name	Title	Date of Issue	Version
PEG Board	Professional Education Governance Board	November 2014	1
Simon Taylor	Director, Education	September 2015	5.2
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Allyn Radford	Director, Education	September 2017	5.4
Louise Smith	Director, Education	April 2018	5.5

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Name	Title	Date of Issue	Version



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<b>Responsible Business Group:</b>	Education
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<b>Content Security: Highlight which is applicable</b>	<b>Unclassified</b> Confidential X-in-Confidence (e.g. Commercial-in Confidence)