



Document: Complaints and Appeals Policy		
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1. Overview

WIN aims to:

- Develop a culture that views complaints as an opportunity to improve the organisation and how it works;
- Set in place a complaint handling system that is client focussed and helps WIN prevent complaints from recurring;
- Ensure that any complaints are resolved fairly, constructively, promptly, objectively and with sensitivity and in complete confidentiality;
- Ensure that the views of each complainant and respondent are respected and that any party to a complaint is not discriminated against nor victimised in any of the four stages set out in this policy; and
- Ensure that there is a consistent response to complaints.

2. Policy

WIN College (“WIN”) is committed to developing and maintaining an effective, timely, fair and equitable complaint handling system which is easily accessible to all complainants.

A complaint can be defined as a person’s expression of dissatisfaction with the way they have been treated by another party. A complaint may include, but is not limited to:

- Course advice and enrolment
- Suspension and/or cancellation of enrolment
- Course delivery
- Bullying, intimidation, sexual harassment
- Marketing and promotional activity
- Personal safety
- Customer service and Reception
- Issue of results, certificates, statement of attainment
- Learning resources
- Fees and charges
- Equity and access, discrimination, harassment and bullying
- Complaints from third parties including but not limited to education and migration agents

WIN notifies students and staff in the policies and procedures manual/student handbook/website/orientation/induction of its policies and procedures regarding complaints and appeals. Please note that the external complaints and appeals entity may be a different body if you are local or international.

Complaints and appeals need to be in writing (email) and will need to be substantiated (ie with some evidence, statements, specified times dates and names will need to be disclosed).

3. Procedures

The following procedures provide information on how to have a complaint or appeal resolved and a resolution reached by all parties.

Complaints:	
Action	Responsibility
<p>WIN may receive complaints from students, staff or stakeholders and members of the public through a variety of means e.g. verbally, written documentation, electronically (email).</p> <p>Once a complaint is received, WIN Personnel will seek to identify the issue and seek to resolve the concern immediately to avoid any further disruption or escalate the issue to a formal complaint. WIN encourages both staff and complainants to approach the complaint openly and honestly to resolve problems through fair and reasonable means.</p> <p>Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's issue. Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.</p>	<p>- WIN Personnel - Complainant</p>
<p>Any student, potential student, or third party may submit a formal complaint to WIN with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process. (External appeals may involve minimal costs)</p> <p>When a complaint or appeal cannot be resolved through informal discussion, the complainant is asked to complete a Complaints and Appeals Form (letter or email is accepted in the format below), stating their case and providing as much detail as possible, and submit this to the HoA either by email or post.</p> <p>Complaints are to include the following information:</p> <ul style="list-style-type: none"> • Submission date of complaint • Name of complainant • Nature of complaint • Date of the event which lead to the complaint; and • Attachments (if applicable) <p>The Complaints Form is available from Reception or can be sent to the complainant on request.</p>	<p>- WIN Personnel - WIN Head of Academics (HoA) - WIN Head of Governance, Compliance and Risk - (HoGCR)</p>
<p>Complainants have the right to access advice and support from independent external agencies and/or persons at any point of the complaint and appeals process. Use of external services will be at the complainant's cost unless authorised by WIN.</p>	
<p>The HoA will investigate the complaint/s recorded in the Complaints folder and identify a satisfactory resolution to the issue. The proposed resolution will be communicated to the complainant within 10 working days and agreement to the proposed resolution sought. Upon receipt of the agreement, the HoA will;</p> <ul style="list-style-type: none"> - Provide the complainant with written confirmation of the resolution - Record the action(s) taken to resolve the complaint on in the Complaints file - Where applicable, communicate the outcome of the complaint resolution to the relevant staff member - If applicable, document the need for amendment to WIN policy and/or procedure documentation in the Continuous Improvement file and implement the necessary improvement (both the Complaints and 	<p>- WIN Personnel - WIN HoA - WIN HoGCR</p>

<p>Appeals file and the Continuous Improvement report are reviewed regularly by WIN staff at the EDS meetings</p> <p>Within the notification of the outcome of the formal complaint the Complainant shall also be notified that they have the right of appeal. To appeal a decision WIN must receive, in writing, grounds of the appeal. Complainants are referred to the Appeals Procedure. The GMA will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the Complainant, WIN will act immediately implement any decision and/or corrective and preventative action that is required and advise the Complainant of the outcome.</p>	
<p>No student, staff member, stakeholder or member of the public will be disenfranchised in any way during the complaint and resolution process. A student's progress through a study program will not be disrupted whilst a Complainant complaint is being heard unless the nature of the issue itself means further progress is not possible. Complainants will observe strict confidentiality during all stages of the complaint's resolution process. All communications and proceedings arising from the complaints process will remain confidential at the conclusion of the complaint's resolution process. Complainants have the right to nominate third party representation (e.g.: a family member or friend, counsellor, professional representation or support person) if they wish but they must inform WIN prior to any discussions of the representation</p>	<p>- WIN Personnel - Complainant</p>
<p>External Complaints</p> <p>If not satisfied with the decision in either the formal complaints or appeals procedures the appellant may request that the matter be further reviewed by an external dispute resolution process by a body chosen by the appellant (e.g., International or Local student) The details of these external body are as follows:</p> <p>Department of Fair Trading Head office NSW Fair Trading 60 Station Street Parramatta NSW 2150 http://www.fairtrading.nsw.gov.au/ Postal address: NSW Fair Trading PO Box 972 Parramatta 2124 Tel: 9895 0111 Fax: 9895 0222</p> <p>International Student Ombudsman Email: ombudsman@ombudsman.gov.au Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111. Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect) Fax: 02 6276 0123 within Australia. Outside Australia +61 2 6276 0123. Postal: GPO Box 442 Canberra ACT 2601.</p>	<p>- Complainant</p>
<p>If a complainant/appellant (Candidate or third party) is still dissatisfied with the decision of WIN, they may wish to seek legal advice or place a complaint about WIN to ASQA directly (please be aware that ASQA does not act in a mediation capacity. ASQA's role is not to act as a student advocate for</p>	<p>- Complainant</p>

<p>individual students. Rather, ASQA uses the information reported through complaints to inform how it regulates training providers). If, after WIN internal complaints and appeals processes have been completed, the complainant still believes WIN is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the online complaint form: https://rms.asqa.gov.au/registration/newcomplaint.aspx. Except in exceptional circumstances, complaints must attach evidence to the complaint form showing:</p> <ul style="list-style-type: none"> - That they have followed WIN formal complaints procedure; - and WIN’s response. 	
<p>ASQAs processes require the complainant/appellant to identify themselves to ASQA as “the” complainant, although a complainant may request that their identity is kept confidential throughout any investigation that ASQA undertakes. Australian Skills Quality Authority Tel: 1300 701 801 www.asqa.gov.au</p>	<p>- Complainant</p>
<p>No student, staff member, stakeholder or member of the public will be disenfranchised in any way during the complaint and resolution process. A student’s progress through a study program will not be disrupted whilst a Complainant complaint is being heard unless the nature of the issue itself means further progress is not possible. Complainants will observe strict confidentiality during all stages of the complaint’s resolution process. All communications and proceedings arising from the complaints process will remain confidential at the conclusion of the complaint’s resolution process. Complainants have the right to nominate third party representation (e.g.: a family member or friend, counsellor, professional representation or support person) if they wish but they must inform WIN prior to any discussions of the representation. WIN will abide by any decision made by the external body</p>	<p>- WIN Personnel - WIN HoA - WIN HoGCR</p>
<p>Where the WIN considers more than 60 calendar days are required to process and finalise the complaint, WIN: will inform the complainant in writing, including reasons why more than 60 calendar days are required; and regularly update the complainant on the progress of the matter via email.</p>	<p>- WIN Personnel</p>
<p>An annual review of the complaint resolution process will be conducted as part of the WIN validation schedule</p>	<p>- WIN HoA - WIN HoGCR</p>
<p>Appeals</p>	
<p>Action</p>	<p>Responsibility</p>
<p>Candidates are entitled to formally appeal the outcome of the assessment decision by completing the Appeals Form or submitting an appeal via email or letter, stating their case and providing as much detail as possible, and submit this to the HoA or the HoGCR either by email or post. Candidates are to include the following information:</p> <ul style="list-style-type: none"> - Submission date of appeal - Name of appeal; - Nature of appeal; - Supporting documentation regarding their assessment outcome - Attachments (if applicable) - The Appeals Form is available from Reception or the assessor or can be sent to the complainant on request 	<p>- WIN Personnel - WIN HoA - WIN HoGCR - Appellant</p>
<p>The GMA shall seek details from the Trainer/Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating</p>	<p>- WIN Personnel - WIN HoA</p>

<p>the assessment decision stands or details of a possible re-assessment by a ‘third party’. The third party shall be another Assessor appointed by WIN.</p> <p>The appeal will be adjudicated by one, some or all the below</p> <ul style="list-style-type: none"> - A panel of qualified trainers/assessors - The HoA - The HoGCR - A qualified trainer/assessor external to WIN - A representative of an industry body (service skills council etc) 	<p>- WIN HoGCR</p>
<p>The appellant shall be notified in writing of the outcome with reasons for the decision, and the file/journal updated. The appellant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The Candidate is required to notify WIN if they wish to proceed with the external appeals process</p>	<p>- WIN Personnel - WIN HoA - WIN HoGCR - Appellant</p>
<p>External Appeals</p> <p>If not satisfied with the decision in either the formal complaints or appeals procedures the appellant may request that the matter be further reviewed by an external dispute resolution process by a suitable body for the appellant (e.g., International or Local student). The details of these external body are as follows:</p> <p>Department of Fair Trading (local students) Head office NSW Fair Trading 60 Station Street Parramatta NSW 2150 http://www.fairtrading.nsw.gov.au/ Postal address: NSW Fair Trading PO Box 972 Parramatta 2124 Tel: 9895 0111 Fax: 9895 0222</p> <p>International Student Ombudsman Email: ombudsman@ombudsman.gov.au Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111. Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect) Fax: 02 6276 0123 within Australia. Outside Australia +61 2 6276 0123. Postal: GPO Box 442 Canberra ACT 2601.</p>	<p>- Appellant</p>
<p>If a complainant/appellant (Candidate or third party) is still dissatisfied with the decision of WIN, they may wish to seek legal advice or place a complaint about WIN to ASQA directly (please be aware that ASQA does not act in a mediation capacity). If, after WIN internal complaints and appeals processes have been completed, the complainant still believes WIN is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the online complaint form: https://rms.asqa.gov.au/registration/newcomplaint.aspx. Except in exceptional circumstances, complaints must attach evidence to the complaint form showing:</p> <ul style="list-style-type: none"> - That they have followed WIN formal complaints procedure; - and WIN’s response. 	<p>- Appellant</p>
<p>ASQAs processes require the complainant/appellant to identify themselves to ASQA as “the” complainant, although a complainant may request that their identity is kept confidential throughout any investigation that ASQA undertakes. Australian Skills Quality Authority Tel: 1300 701 801 www.asqa.gov.au</p>	<p>- Appellant</p>

<p>No student, staff member, stakeholder or member of the public will be disenfranchised in any way during the appeals and resolution process. A student's progress through a study program will not be disrupted whilst an appellant's appeal is being heard unless the nature of the issue itself means further progress is not possible. Appellants will observe strict confidentiality during all stages of the appeals resolution process. All communications and proceedings arising from the appeals process will remain confidential at the conclusion of the appeals resolution process. Appellants have the right to nominate third party representation (e.g.: a family member or friend, counsellor, professional representation or support person) if they wish but they must inform WIN prior to any discussions of the representation. WIN will abide by any decision made by the external body.</p>	<p>- WIN Personnel - WIN HoA - WIN HoGCR</p>
<p>Where the WIN considers more than 60 calendar days are required to process and finalise the appeal, WIN: will inform the appellant in writing, including reasons why more than 60 calendar days are required; and regularly update the appellant on the progress of the matter via email. All stages will be documented, and file notes provided to all parties involved. Students will be given a written statement of the appeal outcome and reasons for the decision (which will be placed in the student 's file).</p>	<p>- WIN Personnel</p>
<p>An annual review of the appeals resolution process will be conducted as part of the WIN validation schedule. The availability of complaints and appeals processes does not remove the right of the student to act under Australia's consumer protection laws.</p>	<p>- WIN HoA - WIN HoGCR</p>

4. Legal Framework

- *The Education Services for Overseas Students Act DHA00 (ESOS Act)*
- *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students DHA18 (National Code DHA18)*
- *Standards for Registered Training Organisations (RTOs) DHA15*
- *National Vocational Education and Training Regulator Act DHA11 (Cth)*
- *Privacy Act 1988*

