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Authorised by	General Manager Quality and Compliance
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## Policy: Grievances, Complaints and Appeals

### Overview

#### Definitions

##### **For the purposes of this document the following applies:**

**Student/s** refers to all students enrolled in a Vocational Education and Training (VET) course including those that are enrolled in a VET unit of study that meets the course requirements under the Higher Education Support Act 2003 and the VET Student Loans Act 2016 and who are or would be entitled to VET Student Loans (VSL) assistance.

**International Student** means International Students or intending International Students on a Student Visa under the Migration Act 1958.

**Complainant** refers to Students who are lodging a complaint with Builders Academy Australia (BAA).

**Academic Matters** include those matters, which relate to student progress, assessment, course content, training environment or awards in a VET course of study. For example: Students may have decisions on their assessments reviewed if they feel a decision has been made in error.

**Non-Academic** matters include those matters which do not relate to student progress, assessment, curriculum and awards in a VET course of study and includes complaints in relation to personal information that the VET provider holds in relation to the VET student and the handling of student personal information, the behaviour or actions of a BAA staff member and the behaviour or actions of another student.

## Overview

BAA are committed to providing an effective, efficient, timely, fair and confidential grievance handling procedure for all students for both Academic and Non-Academic matters.

A complaint brought under this Policy may relate to:

- a. the performance of administrative, academic, teaching or service functions of BAA;
- b. any third party involved in the delivery of services on behalf of BAA, if the complaint is in regards to the delivery of those services; or
- c. the behaviour or actions of another student, trainer or staff member of BAA.

BAA are committed to continuous improvement and approach complaints as an opportunity to refine and improve our service delivery.

We respect procedural fairness, privacy and natural justice considerations when handling complaints or appeals at every stage of the process. This policy is publicly available and is published on our website at <https://buildersacademy.com.au/baa-academy-links-and-documents/>.

Complainants are entitled to access this grievance procedure regardless of the location of the where the grievance has arisen, the Complainant's place of residence or mode of study.

BAA will endeavour to resolve all complaints and appeals within 10 business days. Students will be notified in writing of outcomes of all formal complaints/appeals, including reasons for the decision. Decisions will be made based on current Government Legislation, Standards for RTOs 2015, our Policies and Procedures, and where applicable, The Rules of Evidence, The Principles of Assessment and The Principles of Natural Justice.

If BAA requires more than 10 business days to resolve any complaint or appeal, we will write to all parties involved and explain why it requires more time and give an expected date that a resolution will be made. We will keep all parties regularly informed during this time in writing.

Allegations of discrimination, harassment and bullying are managed under the BAA's Fair Treatment and Equal Opportunity Policy located at <https://buildersacademy.com.au/baa-academy-links-and-documents/>.

## Responsibility

All senior management staff are responsible for the implementation of this policy and procedure and for ensuring that all staff are fully trained in its operation and availability through the staff library on the Learning Management System (LMS) - Canvas and that all students are made aware of its availability on BAA's website.

## Complaints Handling Principles

Complaints will be handled in accordance with the following principles:

**Good Faith:** The complaints process assumes and relies upon all parties engaging in good faith, with an open approach to considering reasonable options.

**Procedural Fairness:**

- All parties to a complaint will be treated fairly, and in a manner that respects their right to an unbiased, timely and transparent process.
- BAA will not be biased or appear to be biased nor have a personal interest in the matter of the complaint.
- All complaints are considered on their merits, on the basis of information relevant to the complaint and any mitigating circumstances.
- All parties have the right to be heard before decision is made, including the right to respond to statements or material that is to be relied upon in reaching a determination.

### **Review free from Victimisation or Discrimination**

BAA will ensure its grievances, complaints and appeals policy and processes are free from Victimisation or discrimination. A Complainant will not be victimised or discriminated against for:

- (a) seeking review or reconsideration of a decision; or
- (b) using the BAA's processes or procedures about dealing with grievances; or
- (c) making an application for re-crediting of the student's HELP balance under Division 2 or 3 of Part 6 of the VET Student Loans Act 2016.

## Informal Grievance Procedure

In the first instance students will contact their allocated Trainer, Assessor to discuss any issues or concerns they may have.

If the student is dissatisfied with the outcome of their discussion with the Trainer, they can escalate the matter by sending an email to Student Support at [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au), explaining their issue or concern.

BAA will investigate the student's issue/concern and respond to the student within 10 business days of the date of the student's e-mail. BAA will also advise the student that they can be accompanied or assisted by another person, at that party's cost.

The student will be advised of their right to access the Formal Grievance procedure if they are still dissatisfied with the outcome at this stage.

There is no charge to the student to access the informal grievance stage.

## Formal Grievance Procedure – Complaints and Appeals

The General principles that will apply to all stages of this grievance procedure will be adhered to by all staff at BAA. These principles are as follows:

- The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire, at that party's cost.
- The Complainant and the respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or the respondent if requested.
- Records of all grievances will be kept for a period of at least five years. These records will be kept strictly confidential and stored electronically in a specific secure location and within a folder that will only be accessible to Senior Management.
- A Complainant shall have appropriate access to this grievance procedure at no cost.
- No disadvantage: A student making a complaint will not be disadvantaged simply by virtue of having made the complaint.

### **Stage One – Formal Complaint**

Formal complaints should be submitted in writing to the Student Support Team:

**Email:** [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au).

Once the complaint has been received the Complainant will be sent a complaint number via email from a BAA student support staff member. BAA will commence assessment of the grievance within 5 business days of the complaint being received.

In some cases, the BAA representative investigating the complaint or grievance may need more information from the Complainant to assist us in understanding and / or investigating their concerns.

We may contact the Complainant by phone or email. In the event that the Complainant does not return to us with further information after two contact attempts, we may elect to close the complaint. We will notify the Complainant in writing where this is the case.

BAA will advise the Complainant in writing of the outcome (including details of the reasons) within 10 working days of the complaint being received. At this time, the Complainant will be advised of their right and how to access the Appeal stage two of this procedure if they are not satisfied with the outcome of Stage One. BAA will also advise the Complainant that they can be accompanied or assisted by another person, at that party's cost.

Where a complaint cannot be resolved within 15 business days, BAA will contact the Complainant to advise them and will keep them informed of the progress of the matter.

There is no charge to the student to access the Formal Complaint stage.

### **Stage Two - Appeal**

If the Complainant is not satisfied with the outcome of Stage One, they may lodge an appeal in writing via post or email to the General Manager Quality and Compliance, Builders Academy Australia. The Complainant will need to provide a summary of the grounds that the appeal is based on and the reason why they feel that the initial decision was unfair. The appeal must be lodged within 10 working days from the date the Complainant received the outcome.

**Post:** Builders Academy Australia, Locked Bag 4002, South Melbourne 3205

**Email:** [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au)

The Complainant's appeal will be reviewed, and determination made by the General Manager Quality and Compliance who is an independent senior staff member not associated with the training function at BAA.

The General Manager Quality and Compliance will commence assessment of the appeal within 5 business days of the appeal being received and will advise the Complainant in writing of the outcome (including details of the reasons for the decision) within 10 business days of the appeal being received. BAA will also advise the Complainant that they can be accompanied or assisted by another person, at that party's cost.

At this time, and no longer than 10 business days of concluding the internal review, the Complainant will be advised in writing of their right to access the External Dispute Resolution stage three of this procedure if they are not satisfied with the outcome of Stage two.

There is no charge to the student to access the Appeal stage.

### **Stage Three – External Dispute Resolution**

If the Complainant is not satisfied with the outcome of Stage Two, they may request that the matter be referred to an external dispute resolution body appointed for this purpose by BAA.

BAA will source an external independent mediator with appropriate expertise through Resolution Institution – an association of Dispute Resolution specialists. BAA will also advise the Complainant that they can be accompanied or assisted by another person, at that party's cost.

The contact details are:

Phone: 02 9251 3366

Phone: 1800 651 650

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

Address: Suite 602, Level 6

Tower B, Zenith Centre

821–843 Pacific Highway

Chatswood NSW 2067

Website: <https://www.resolution.institute/>

Costs of such mediation will be borne by BAA and shall be at no cost to the Complainant.

The parties must be available to attend mediation within 30 days. BAA will give due consideration to any recommendations arising from the external review within 10 working days and provide the Complainant with written notice of the decision on review, including all reasons for the decision .

## External Complaints - VET Student Loan (VSL) Students

VSL students that disagree with the outcome of an external appeal, can contact the Commonwealth VET Student Loans Ombudsman. For more information go to <https://www.ombudsman.gov.au/How-we-can-help/vslo>

Should a VSL student wish to cancel their enrolment in an approved course, or a part of an approved course, after the census day for the course, BAA will provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect and provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed.

## External Complaints – All other VET Students

For all other students that have been through all stages of this grievance handling process and remain unsatisfied with the outcome of their grievance, may:

- Contact the Australian Skills Quality Authority (ASQA). For contact details and information please see: [www.asqa.gov.au/complaints](http://www.asqa.gov.au/complaints)

ASQA accepts complaints and feedback about training providers from all members of the community. Note: ASQA do not appeal assessment outcomes for Students, they also do not help to resolve disputes between students and training providers.

Any costs associated with a Complainant taking the matter further, will be borne by the Complainant unless a court of law directs BAA to pay for such costs.

Where BAA does not agree with the outcome of the third-party recommendation, BAA will notify the Complainant in writing outlining our decision and how we have come to that decision.

## External Complaints – International Students

Where a Student is not satisfied with the result or conduct of the internal Complaints and Appeals process, the Student has the right to access an external appeals process through the Overseas Students Ombudsman <http://www.ombudsman.gov.au/How-we-can-help/overseas-Students>

The Overseas Students Ombudsman investigates complaints about problems that International Students on a Student Visa or prospective International Students may have with private education and training and/or private education and training Providers in Australia. If Students are unsatisfied with the BAA Complaints and Appeals process, they may lodge a complaint with the Overseas Students Ombudsman.

The Ombudsman:

- Provides a free service;
- Is independent and impartial (it doesn't represent either International Students or Providers);
- Can make recommendations that arise out of investigations; and
- Is a function of the Commonwealth Ombudsman.

The Overseas Student Ombudsman may be able to help if:

- A current or former overseas student, and
- Studying with a private provider in Australia.

The Overseas Student Ombudsman deals with complaints about:

- Refusing admission to a course;
- Fees and refunds;
- Course or provider transfers;
- Course progress or attendance;
- Cancellation of enrolment;
- Accommodation or work arranged by a private provider
- Incorrect advice given by an Education Agent.

Phone: 1300 362 072

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

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

### Request for External Review by the Overseas Students Ombudsman

- Update the Complaints and Appeals Register.
- General Manager Quality and Compliance is to contact the Overseas Student Ombudsman and liaise as required.
- Attend external review meeting(s) as required.
- Document the process throughout keeping the Complainant's file updated.
- Once resolved, provide the Complainant and any other relevant person with a copy of the Overseas Student Ombudsman determination.
- Update file as required i.e., Complaints and Appeals Register, Student file and, if relevant, Staff file(s).
- The complaint file must be stored and retained for five (5) years.

## Reporting to the Department of Education and Training (DET) and Department of Home Affairs (DHA)

The National Code 2018 requires that when a Student's external Appeal is against BAA's decision to report the Student for unsatisfactory course progress, BAA must maintain the Student's enrolment (e.g. not report the Student for unsatisfactory progress) until the external complaints process is complete and has supported the Provider's decision to report before notifying the Department of Education and Training (DET) and Department of Home Affairs (DHA) through PRISMS of the change to the Student's enrolment.

BAA must wait for the outcome of the external process in this case as reporting a Student for unsatisfactory progress has serious consequences for the Student's Visa; although automatic Visa cancellation no longer exists, DHA may still cancel a Student's Visa at their discretion.

If the Student's external appeal is against BAA decision to:

- Defer or suspend a Student's enrolment due to misbehaviour, or
- To cancel the Student's enrolment

BAA only needs to await the outcome of the internal appeals process (supporting the Provider) before notifying the DET and DHA through PRISMS of the change to the Student's enrolment.

Once DET and DHA have been notified of a deferment, suspension or cancellation of a Student's enrolment via PRISMS, the Student has twenty-eight (28) days in which to:

- Leave Australia;
- Show DHA a new Confirmation of Enrolment (CoE); or
- Provide DHA with evidence that he or she has accessed an external Appeals process.

In cases where BAA has reason for concern for the welfare of the Student or those with whom the Student may come into contact, the Provider can cancel the Student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the CEO will make the final decision and inform Student Support Services Officer- Team Leader (or suitable alternative) who will then issue formal correspondence and report to the DET and DHA through PRISMS.

The 'extenuating circumstances' option covers situations where a Student's behaviour has led BAA to fear for the safety and wellbeing of the Student and/or people the Student may encounter. In this case, BAA may cancel the Student's enrolment without having to wait for the outcome of the internal appeals process. However, the Student can still appeal from his or her Australian residence or home country. Once BAA notifies the DET and DHA of the cancellation of a Student's enrolment through PRISMS, the Student has twenty-eight (28) days in which to find alternative enrolment or to return to his or her home country. If the Student secures enrolment with another Provider within the twenty-eight (28) days, the Student may commence studies with the new Provider. If the Student does not secure alternative enrolment or return home within twenty-eight (28) days, the Student's Visa may be cancelled. (Please note that cancelling a Student's enrolment does not always lead to automatic cancellation of the Student's Visa. DHA may contact a Student to explain the circumstances relating to the cancellation of the enrolment and may cancel a Student's Visa subsequent to this happening).

Under the National Code 2018, the Student has the right to appeal with BAA if he or she wishes to do so, whether still in Australia or in the home country. BAA must notify the Student of its intention to cancel the Student's enrolment prior to notifying DET and DHA through PRISMS of the cancellation. If BAA notifies DET and DHA through PRISMS that it is cancelling a Student's enrolment for disciplinary reasons, the Student has chosen to access the appeals process but the appeals process has not been completed, PRISMS will ask BAA if extenuating circumstances apply. If BAA chooses 'Yes', a dialogue box will pop up containing the following text:

'You are reminded that, even though you may report now because extenuating circumstances exist, this Student must still be given the opportunity to appeal your decision to suspend or cancel the enrolment.'

If BAA then clicks 'OK', a free text box will appear so Providers can enter the details of the extenuating circumstances.



## Additional Complaint External Assistance Agencies

### Consumer Protection Agencies

The consumer protection agency in each State or Territory:

- Can provide information about seeking a refund or a cancellation of course fees
- Can provide information about rights and obligations
- May be able to help a student negotiate with their training provider.

Australian Capital Territory (ACT)	ACT Fair Trading Phone: (02) 6207 3000
New South Wales (NSW)	NSW Fair Trading Phone: 13 32 20
Northern Territory (NT)	Northern Territory Consumer Affairs Phone: 1800 019 319
Queensland (QLD)	Fair Trading Phone: 13 74 68
South Australia (SA)	Consumer and Business Services Phone: 13 18 82
Tasmania (TAS)	Consumer Affairs and Fair Trading Phone: 1300 65 44 99
Victoria (VIC)	Consumer Affairs Victoria Phone: 1300 55 81 81
Western Australia (WA)	Consumer Protection Phone: 1300 304 054

### State or Territory Ombudsman

A State or Territory Ombudsman may be able to help if:

- A complaint is about fees and refunds

State or Territory	Ombudsman Website Address
Australian Capital Territory (ACT)	<a href="http://www.ombudsman.act.gov.au">www.ombudsman.act.gov.au</a>
New South Wales (NSW)	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>
Northern Territory (NT)	<a href="http://www.omb-hcsc.nt.gov.au">www.omb-hcsc.nt.gov.au</a>
Queensland (QLD)	<a href="http://www.ombudsman.qld.gov.au">www.ombudsman.qld.gov.au</a>
South Australia (SA)	<a href="http://www.trainingadvocate.sa.gov.au">www.trainingadvocate.sa.gov.au</a>
Tasmania (TAS)	<a href="http://www.ombudsman.tas.gov.au">www.ombudsman.tas.gov.au</a>
Victoria (VIC)	<a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Western Australia (WA)	<a href="http://www.ombudsman.wa.gov.au">www.ombudsman.wa.gov.au</a>

## Continuous Improvement Actions

BAA confirms its commitment to investigate and act on any complaint raised, and also to take appropriate action in any case where the complaints are substantiated. In cases where a complaint is upheld, BAA endeavors to identify the cause of the complaint and implement steps to prevent the situation happening again.

All improvement actions arising from complaints are raised via the complaints register. BAA maintains a Continuous Improvement Register for recording the receipt and management of improvement records.

Once improvement records are raised, the Compliance Team review complaints and their causes, evaluate corrective action to resolve the issue and prevent reoccurrence, implement appropriate actions, record results of actions undertaken and review these actions to ensure effectiveness after implementation.

## Confidentiality

All complaints are handled by all parties at BAA with appropriate confidentiality. Unless required otherwise by law, information arising in the course of a complaint will be circulated only between the parties and other persons involved on a need-to-know basis.

Information will only be used for the purpose of resolving the complaint in accordance with this Policy, with the provision that aggregated and de-identified data can be used to support BAA's monitoring, reporting and continuous improvement processes.

BAA acknowledge that some complaints may be of a more sensitive nature than others. Students can request to log their request directly with a staff member from the Compliance Team or the Training Manager.

**Anonymity:** Students who have a complaint and wish to remain anonymous may lodge their complaint in writing. However, it should be noted that these complaints may be difficult to investigate because of inadequate information. The General Manager Quality and Compliance will progress these matters at their discretion.

The Complaints Register is securely located and maintained on an internal intranet database and access is limited to key staff who deal with complaints due to the confidential and / or sensitive nature of some complaints.

## Frequently Asked Questions

### **My complaint is about my trainer – will they be aware that I’ve complained?**

In most situations, if the matter concerns your trainer, it is best that we discuss the matter with them as part of our investigation. We will handle such situations with sensitivity. If you do not want your trainer to be aware of your complaint, please let us know. However, this may limit our ability to fully investigate your concerns. If you wish to remain anonymous you can, but we may not be able to fully resolve your concerns.

### **I don’t want to get anyone in trouble**

BAA views all complaints and grievances as an opportunity for continuous improvement. We recognise that our staff at times may make errors and it is important for us to be aware of these issues so that we can provide coaching and / or training if required. In other cases, it may not be a human error, but systematic issue that we could implement a new process for.

### **I just want to give you feedback, I don’t want any response**

We always welcome feedback and try to incorporate it where we can. If you don’t want us to respond, just let us know when lodging the feedback.

### **I’m not angry, but I just want to let you know that I have an issue**

We welcome all feedback and certainly welcome the opportunity to address your issue. You don’t need to be angry to have an issue.

### **Who can view the details of my grievance or complaint?**

We lodge the details of your grievance or complaint into our internal complaints or grievances database. This database has restricted access to maintain confidentiality, particularly when a complaint is of a sensitive nature.