

## Purpose

The purpose of this policy and procedure is to outline IBMA's approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensure compliance with Standard 6 of the Standards, as well as compliance with the of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10.

## Definitions

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

**Appeal** means a request for a decision made by IBMA to be reviewed

**DET** means Department of Education and Training

**Complaint** means a person's formal expression of dissatisfaction with any product or service provided by IBMA.

**PRISMS** mean Provider Registration and International Students Management System

**Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework

## Policy

1. IBMA responds to all allegations involving the conduct of:
  - The RTO, its trainers and assessors and other staff.
  - Any third-party providing Services on behalf of IBMA.
  - Any student or client of IBMA.
2. Complaints may be made in relation to any of IBMA's services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
3. Appeals should be made to request that a decision made by IBMA is reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by IBMA

4. IBMA is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice.
5. Through this policy and procedure, IBMA ensures that complaints and appeals:
  - Each complainant or appellant has an opportunity to formally present
  - Are responded to in a consistent and transparent manner.
  - Are responded to promptly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - Enable the complainant or appellant to be accompanied by a support person at any meetings that occur during the process.
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
6. IBMA acknowledges the need for domestic students for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by IBMA.  
The independent party recommended by IBMA is Resolution Institute who has a cost of an initial fee of \$385.00 for the first 4 hours of their services, or part thereof. This includes pre-mediation services. Subsequent hours are billed at a rate of \$137.50 per hour, or part thereof. The costs are shared between the parties unless other arrangement is made, however complainants and appellants are able to use their own external party at their own cost.  
Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Student site under the Commonwealth Ombudsman (OSO) - <http://www.ombudsman.gov.au/about/overseas-students> and NSW Fair Trading [http://www.fairtrading.nsw.gov.au/ftw/Youth/International\\_students.page](http://www.fairtrading.nsw.gov.au/ftw/Youth/International_students.page). This service is free of charge.
7. Complaints and appeals should be made in writing using the Complaints and Appeals Form, or other written format and sent to IBMA's campus to the Student Services Manager.  
Appeals must be made within 30 calendar days of the original decision being made.  
When making a complaint or appeal, provide as much information as possible to enable IBMA to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.
  - Details about the steps you have already taken to resolve the issue.
  - Suggestions about how the matter might be resolved.
8. Some or all members of the management team of IBMA will be involved in resolving complaints and appeals as outlined in the procedures. Where a third-party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the complaint or appeal.
9. Where a student chooses to access this policy and procedure, IBMA will maintain the student's enrolment while the complaints/appeals handling process is ongoing.
10. The enrolment status of student will be handled as follows:
  - For domestic students that choose to access this policy and procedure, IBMA will maintain the student's enrolment while the complaints and appeals process is ongoing.
  - For international students, IBMA will maintain a student's enrolment throughout the internal appeals processes without notifying DET via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether IBMA maintains the student's enrolment as follows:

- If the appeal is against IBMA’s decision to report the student for unsatisfactory course progress or attendance, the student’s enrolment will be maintained until the external process is completed and has supported or not supported IBMA’s decision to report.
  - If the appeal is against IBMA’s decision to defer, suspend or cancel a student’s enrolment due to misbehaviour, IBMA will notify DET via PRISMS of a change to the student’s enrolment after the outcome of the internal appeals process.
11. Complaints and appeals will be finalised within 60 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
  12. IBMA will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*.
  13. Nothing in this policy and procedure limits the rights of an individual to take action under Australia’s Consumer Protection laws and it does not circumscribe an individual’s rights to pursue other legal remedies.
  14. If an overseas student is not satisfied with the outcome of either the registered provider’s internal appeals process or the following external appeals process, they can access multiple external appeals within 5 working days. However, decision that supports the student, the IBMA must immediately implement any decision and/or corrective and preventative action.

## COMPLAINTS AND APPEALS Procedure

### Complaints

<p><b>A. Receive and acknowledge appeal</b></p> <ul style="list-style-type: none"> <li>• As per policy, appeals are to be made in writing by the appellant, attention to the CEO.</li> <li>• The CEO should review all appeals upon receipt.</li> <li>• Acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>.</li> <li>• Commence process of investigation within 20 working days of receiving the formal appeal lodgment to finalise the process as soon as practicable.</li> <li>• Record details of appeal on the <i>Complaints and Appeals Register</i>.</li> </ul>	Director of Academic Affairs
<p><b>B. Respond to assessment appeals</b></p> <ul style="list-style-type: none"> <li>• In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.</li> <li>• The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.</li> <li>• Advise the student of the outcome of the appeal as per point G below.</li> </ul>	Director of Academic Affairs or their delegate
<p><b>C. Respond to appeals against non-academic decisions</b></p> <ul style="list-style-type: none"> <li>• Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.</li> <li>• Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</li> <li>• If the matter is in relation to a third-party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the appeal.</li> </ul>	Director of Academic Affairs

<ul style="list-style-type: none"> <li>• The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, IBMA may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at IBMA’s cost.</li> <li>• IBMA’s Management team will review all relevant information and decide on an appropriate response.</li> <li>• Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</li> </ul>	
<p><b>D. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the appellant outlining:           <ul style="list-style-type: none"> <li>– The IBMA’s understanding of the reasons for the appeal</li> <li>– The steps taken to investigate and resolve the appeal</li> <li>– Decisions made about resolution and reasons for the decisions</li> <li>– If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended</li> <li>– Their right to, and information on, the external appeals process.</li> <li>– For international students, the effect on their enrolment status (see enrolment status in policy)</li> </ul> </li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome.</li> <li>• Keep a copy of the appeal and supporting documents in the Complaints file and in the student or staff file (where relevant).</li> <li>• Discuss the appeal and its outcome at the next management meeting.</li> <li>• Appeal outcome that supports the student, the IBMA must immediately implement any decision and/or corrective and preventative action.</li> </ul>	<p>Director of Academic Affairs and/or Student Services</p>

**1. Independent Reviews by External Party**

Procedure	Responsibility
<p><b>E. External complaint or appeal</b></p> <ul style="list-style-type: none"> <li>• If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal within 5 working days.</li> <li>• Additionally, a complainant or appellant who has been through the internal processes may request IBMA to appoint an independent party to review the matter.</li> <li>• If an overseas student is not satisfied with the outcome of either the registered provider’s internal appeals process or the following external appeals process, they can access multiple external appeals.</li> <li>• For domestic students, the independent party used is Resolution Institute who has a cost of an initial fee of \$385.00 for the first 4 hours of their services, or part thereof. This includes pre-mediation services. Subsequent hours are billed at a rate of \$137.50 per hour, or part thereof. The costs are</li> </ul>	<p>Staff as required</p>

Procedure	Responsibility
<p>shared between the parties unless other arrangement is made, however complainants and appellants are able to seek their own external parties at their own cost.</p> <ul style="list-style-type: none"> <li>• For international students, the independent party is the Overseas Students Ombudsman.</li> <li>• IBMA will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.</li> <li>• Where the decision of the external party supports IBMA, IBMA will notify DET via PRISMS of the change in enrolment status.</li> </ul>	

### Document Control

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