

Policy Title	PAX Complaints and Appeals Policy and Procedure				
Policy Number	P - 18	Version Number	V10 Oct 2020	Status	ENDORSED
Owner	Quality and Compliance Manager		Approved By	CEO	
Related legislation/applicable section of legislation:					
ESOS/NCP	<ul style="list-style-type: none"><li>• ESOS Act (2000), Education for Overseas Students Amendment Act 2014 National Code of Practice for Providers of Education and Training to Overseas Students</li><li>• National Code 2018: Standard 3.3.7, 6.1.6, 7.5.2, 10.1, 10.2, 10.3, 10.4</li></ul>				
SRTOs 2015	<b>Standards</b> 6.1, 6.2, 6.3, 6.4, 6.5, 6.6 <a href="http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html">http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html</a>				
Legislative Context	<ul style="list-style-type: none"><li>• National Vocational Education and Training Regulator Act 2011 (Cth)</li><li>• Standards for Registered Training Organisations 2015</li><li>• Age Discrimination Act 2004 (Cth)</li><li>• Disability Discrimination Act 1992 (Cth)</li><li>• Equal Employment Opportunity for Women in the Workplace Act 1999 (Cth)</li><li>• Human Rights and Equal Opportunity Commission Act 1986 (Cth)</li><li>• Racial Discrimination Act 1975 (Cth)</li><li>• Racial Hatred Act 1995 (Cth)</li><li>• Sex Discrimination Act 1984 (Cth).</li><li>• Workplace Relations Act 1996 (Cth)</li><li>• Equal Opportunity Act 1995 (Vic)</li><li>• Occupational Health and Safety Act 2004 (Vic)</li><li>• Racial and Religious Tolerance Act 2001 (Vic)</li><li>• Education and Training Reform Act 2006 (Victoria)</li><li>• Victorian Guidelines for VET Providers (Victoria)</li><li>• External Appeal process</li><li>• Overseas Students Ombudsman at Website: <a href="http://www.oso.gov.au">http://www.oso.gov.au</a></li></ul>				
Related Policies and forms	<ul style="list-style-type: none"><li>• Complaints and Appeals Form</li><li>• Student Handbook</li><li>• Complaints and Appeals Register</li></ul>				

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## 1. POLICY

PAX Institute of Education Pty Ltd RTO #22207, CRICOS #03152D trading as PAX Institute of Education will ensure that current and prospective students of PAX Institute of Education are given access to free, effective and fair complaints resolution and appeals processes.

## 2. PURPOSE

The purpose of this policy and procedure is to outline:

- the approach to manage dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community.
- provide a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

## 3. SCOPE

This policy applies to all current and prospective students of PAX Institute. Complaints may be related to the PAX Institute, PAX Institute's staff, Education Agents, and any other external stakeholders that engage with international students during their enrolment with PAX Institute.

## 4. DEFINITIONS

**Appeal:** A request to review an adverse decision or an unfavourable outcome that may have arisen from any administrative, academic or disciplinary processes. An Appeal may be an Internal Appeal or an External Appeal.

**Internal Appeal:** An appeal against a decision where the appeal is brought under PAX Institute's policies and code of conducts or where there is a process for appeal within PAX Institute's policies and procedures.

**External Appeal:** An appeal to an external agency against a final decision of PAX Institute. Agencies may include the Victorian Ombudsman, the Privacy Commissioner, the Victorian Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act).

**Final Decision:** A decision made by the member of staff authorised by the CEO and communicated to the Complainant in writing when all Internal Appeal avenues within PAX Institute's policy, procedures and codes have been exhausted.

**Complainant:** A person lodging a complaint or an appeal.

**Respondent:** A person responding to a complaint or an appeal.

**Grievance:** A grievance is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by PAX Institute, which the student brings to the attention of PAX Institute in an informal way, i.e. it is discussed and not written down.

## 5. REQUIREMENT, PROCESS AND PROCEDURE

This policy and procedure ensure that in the event that a student has a complaint concerning any matter in relation to PAX Institute, there is a process in place to ensure that the complaint can be resolved amicably. Students have access to a complaints procedure if they feel they have been unjustly treated, undermined, vilified or harassed in any circumstances. All the complaints will be treated in full confidence and neutrality, without any discrimination.

### Complaints

1. Students may raise any matters of concern relating to the training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
2. Students are encouraged to raise the matter informally with their trainer, or with the Administration Manager. The outcome of any informal complaint will not be kept on the student file unless requested to do so by the student. If the matter has been raised informally by the way of email; then, the email and any response there to will be deleted unless otherwise requested by the student.
3. If the informal complaint raises a matter of importance for PAX; then, the complaint and outcome will be documented, but, if possible, the name of the student will not be included in any documentation to maintain privacy.
4. If the complaint cannot be resolved informally; then, the student is advised to lodge a formal complaint.
5. Students are advised to resolve their concerns and complaints using the Complaints and Appeals Procedure. The current complaints and appeals process and form are available on PAX website.
6. A complaint can be lodged in writing by letter or by email or in person. A student can lodge their complaint with any member of staff but should preferably lodge their initial complaint with the Student Support Officer. The student must lodge their complaint with only one member of staff at PAX Institute. If the complaint needs to be escalated, the staff member will follow the complaint policy. A written record of the complaint will be kept on the student file.
7. All complaints will be handled professionally and confidentially in order to achieve a satisfactory resolution.
8. The student will have the opportunity to formally present their case at no cost. The student may be accompanied and assisted by a support person to present their case at any relevant meeting, if required.
9. Only PAX Institute staff authorised by the CEO can respond to a complaint.
10. PAX Institute will investigate and respond to all complaints lodged by a student in a fair, transparent and professional manner. The process will commence within (10) working days upon receipt of the of the formal lodgement of the complaint and supporting information and all reasonable measures will be taken to finalise the process in the shortest possible time. If the nature of the complaint requires immediate action, that staff member receiving the complaint will forward the matter directly to the CEO.

11. If the complaint is in regard to something of a more academic or study related nature, it will be referred to the Training and Administration Manager without delay. In the event of this happening, the Training and Administration Manager assumes the CEO's duties of this policy for the incident.
12. PAX Institute treats all complaints in confidence and will seek the permission of the student before discussing the complaint with any party mentioned or named in the complaint. The student will be given a written statement of the outcome, including details of the reasons for the outcome.
13. Students who are not satisfied with the outcome of their complaint may appeal the decision according to PAX Institute's Internal Appeal Process or choose to lodge an External Appeal with Overseas Ombudsman. If the student chooses to access PAX Institute's internal complaints and appeals processes, their enrolment will be maintained while the process is ongoing.
14. PAX Institute will maintain the student's enrolment until the external complaints/external complaints (e.g. Overseas Ombudsman) is completed and has supported PAX Institute's decision to report. PAX Institute will wait for the outcome of the external process with consideration for student welfare as reporting a student for breaches may have serious consequences for the student's visa; it may result in cancellation.
15. If any internal or external complaint process results in a decision or recommendation in favour of the students, PAX Institute shall immediately implement such decision or recommendation, and undertake a quality review process to correct/improve the processes and prevent future occurrences.
16. Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.
17. If there is any matter arising from a student complaint that is a systemic issue which requires improvement action, the complaint will be reported to the relevant task group meeting (depending on the nature of the complaint) as part of the continuous improvement process.
18. All the outcomes of a complaint or an appeal process will be notified to students within seven (7) working days from the date of the resolution, and copies of correspondences kept on student file for record.
19. Where PAX considers more than 60 calendar days are required to process and finalise the complaint or appeal, PAX will ensure to (a) will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required b) will regularly updates the complainant or appellant on the progress of the matter.
20. PAX Institute shall maintain a Complaints and Appeals Register to record all instances of complaints and appeals and use this data for quality and continuous improvement purpose.
21. If the student has made the complaint via ASQA, the CEO will be informed immediately. The complaint will be resolved fairly and equitably within the time frame provided by ASQA.

### Academic Review

All students have the right to request an academic review. Where a student is dissatisfied with the outcome/result of assessment of an assignment and/or an examination, the student should discuss this informally in the first instance with their Trainer/Assessor.

If the issue cannot be resolved informally, a student may submit a request for a formal academic review in writing to the Training and Administration Manager within twenty (10) working days of receiving the reviewed academic result. The request must outline why the student has requested a formal review of the result.

The Training and Administration Manager will seek to resolve a formal academic review through the appointment of an independent and impartial educator to investigate and make a recommendation. The CEO will make the final decision on all formal academic reviews.

All parties involved in any formal academic reviews will be advised in writing of the outcome and the reasons for the decision within twenty (10) working days from the date the review was lodged. If a student's formal academic review is successful, the academic result will be amended.

Where a formal academic review is not upheld by the Training and Administration Manager, the student will be advised in writing of the option to access the appeals procedure.

### Procedure: Complaints

1. Complainant gathers information and arranges to meet the Training and Administration Manager for advice and information discussion;
2. Online complainant or a complainant not able to physically attend PAX Institute may choose to communicate electronically or telephonically with the Training and Administration Manager;
3. If not resolved in Step 1, the complainant fills and submits the complaint in writing using the Complaints and Appeals form to the Training and Administration Manager;
4. Training and Administration Manager confirms the receipt of the complaint in writing to the complainant with three (3) working days of the date of receipt of the complaint and enters the complaint in the Complaints Register;
5. Training and Administration Manager starts the process no later than ten (10) working days from the date of receipt of the complaint and calls upon respective parties for discussions/meetings;
6. All the evidences concerning the complaint are collected and reviewed;
7. Assistance of Student Support officer is sought if student welfare is a concern;
8. Training and Administration Manager discusses the outcomes with the CEO and reaches a decision;
9. The complainant is advised of the decision in writing by the Training and Administration Manager;
10. If the decision is not accepted, an internal or external mediator is appointed with mutual consent;
11. If the mediation fails, external complaint options are advised and exercised;
12. All the documents and noted are forwarded to Course Manager for filing;
13. Training and Administration Manager updates the Complaints and Appeals Register with the outcome.

### Appeals

PAX Institute is committed to providing fair, safe and productive study environment to all its students. Consideration of appeals will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with PAX Institute's policies and quality principles.

1. Appeals may arise from a number of sources including
  - a) appeals against assessment,
  - b) appeals against discipline actions,
  - c) appeals against refund decisions,

- d) appeals against deferment/suspension decision,
- e) appeals against refusal to release decision,
- f) appeals against the Intention to report (ITR) for non-satisfactory course progress
- g) appeals against education agent termination decision, and
- h) appeals against decisions arising from complaints.

The essential nature of an appeal is that it is a request by a student or third party to reconsider a decision made by PAX. All training and assessment related appeals; would be managed by the Training and Administration Manager, unless the appeal is against a decision of the Training and Administration Manager. In that case the Quality and Compliance Manager shall manage the appeal.

2. PAX Institute will appoint an Appeals Committee comprising of at least three of the following senior staff members;
  - CEO
  - Training and Administration Manager
  - Quality and Compliance Manager
  - Administration Manager
  - Course Manager
3. PAX will attempt to resolve the appeal informally once the appeal has been lodged and the complainant is not satisfied of the outcome, the complainant has the right to access appeal and this is normally the formal appeal and, the formal appeals process will commence.
4. A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
5. If any internal or external appeals process results in a decision or recommendation in favour of the students, PAX Institute shall immediately implement such decision or recommendation, and undertake a quality review process to correct/improve the processes and prevent future occurrences.
6. A student initiates the formal appeals process by completing the complaints and appeals form. The complaints and appeals form are available at PAX website or on request from the reception.
7. Students wishing to lodge an appeal in respect to PAX Intention to Report the student for unsatisfactory course progress, or on being notified that PAX intends to suspend or cancel the enrolment of the student, must do so within 20 working days. (The 20 working days will be calculated from the day of the issuance of the Intention to Report Email.)
8. The resolution phase must commence within 10 working days of the appeal being lodged in writing.
9. A maximum time of 10 working days from the appeal being lodged in writing will be allowed for the resolution unless all parties agree in writing to extend this time.
10. The formal appeal process will be conducted by a panel of members (members independent to the matter in discussion) and chaired by the CEO and at no cost to the student.
11. Students appealing an assessment, including RPL outcome; will be given the opportunity for reassessment by a different assessor selected by PAX. Costs of reassessment will be met by PAX. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment. If the student is not satisfied with the result of the

reassessment, the student may make a request of PAX pursuant to clause 13. The reassessment shall be regarded as the completion of the internal formal appeal.

12. For all internal formal appeals;
  - The student will have an opportunity to present his or her case in person, or, if the students elects, in writing;
  - A student may be accompanied and assisted by a support person at any relevant meetings;
  - In all other respects the panel will determine the appeals procedure;
  - The outcome of the formal internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and PAX and placed in the student file as well as Complaints and Appeals Register;
  - The student will be provided with a copy of the signed written document.
  
13. If the student appeal is successful PAX must immediately implement the decision as conveyed to the student.
  
14. If the student is not satisfied with the outcome of the formal internal appeal; the student is advised within 5 working days to access the external appeals process. Student may request the Institute to assist the student in an appeal to an external mediator. The student may bear the cost for any external appeal. The external independent mediator are as follows:
  - Overseas Students Ombudsman (For International students only) at Website:  
<http://www.oso.gov.au>  
 The Overseas Students Ombudsman is a specialist role of the Commonwealth Ombudsman. The Commonwealth Ombudsman can investigate complaints about problems that intending, current or former overseas students have with private schools, colleges and universities (education providers) in Australia.  
 Phone: 1300 362 072 (Calls from mobile phones at mobile phone rates)
  - The Dispute Settlement Centre of Victoria (DSCV)  
<http://www.disputes.vic.gov.au>
  
15. There are no further avenues within PAX for appeals after an internal formal appeal phase has been completed.

## External Complaints and Appeals

There is an external complaint/appeal process available to students if they have exhausted the above college/internal complaint and appeal procedures and still feel unsatisfied.

International students who wish to lodge an external appeal can do so through the Overseas Students Ombudsman. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their training provider.

PAX Institute agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report. Each complaint, grievance, appeal and its outcome will be recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

Students may also seek legal redress through the usual court processes if they feel unsatisfied. They may also approach other agencies relevant to their specific situation;

- The Ombudsman
- The Privacy Commissioner
- The Equal Opportunity and Human Rights Commissions

Students may choose to contact the Department of Education and Training;  
 Department of Education and Training  
 GPO Box 9880  
 Melbourne VIC 2601  
<http://education.gov.au/contact-department>

If the problem resolution fits within equal opportunity guidelines, it will be managed under PAX Institute's relevant policies and procedures. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to act under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 6. IMPLEMENTATION AND RESPONSIBILITY

The CEO has overall responsibility for the implementation and review of this policy and procedure.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer by email to [timple@pax.edu.au](mailto:timple@pax.edu.au)

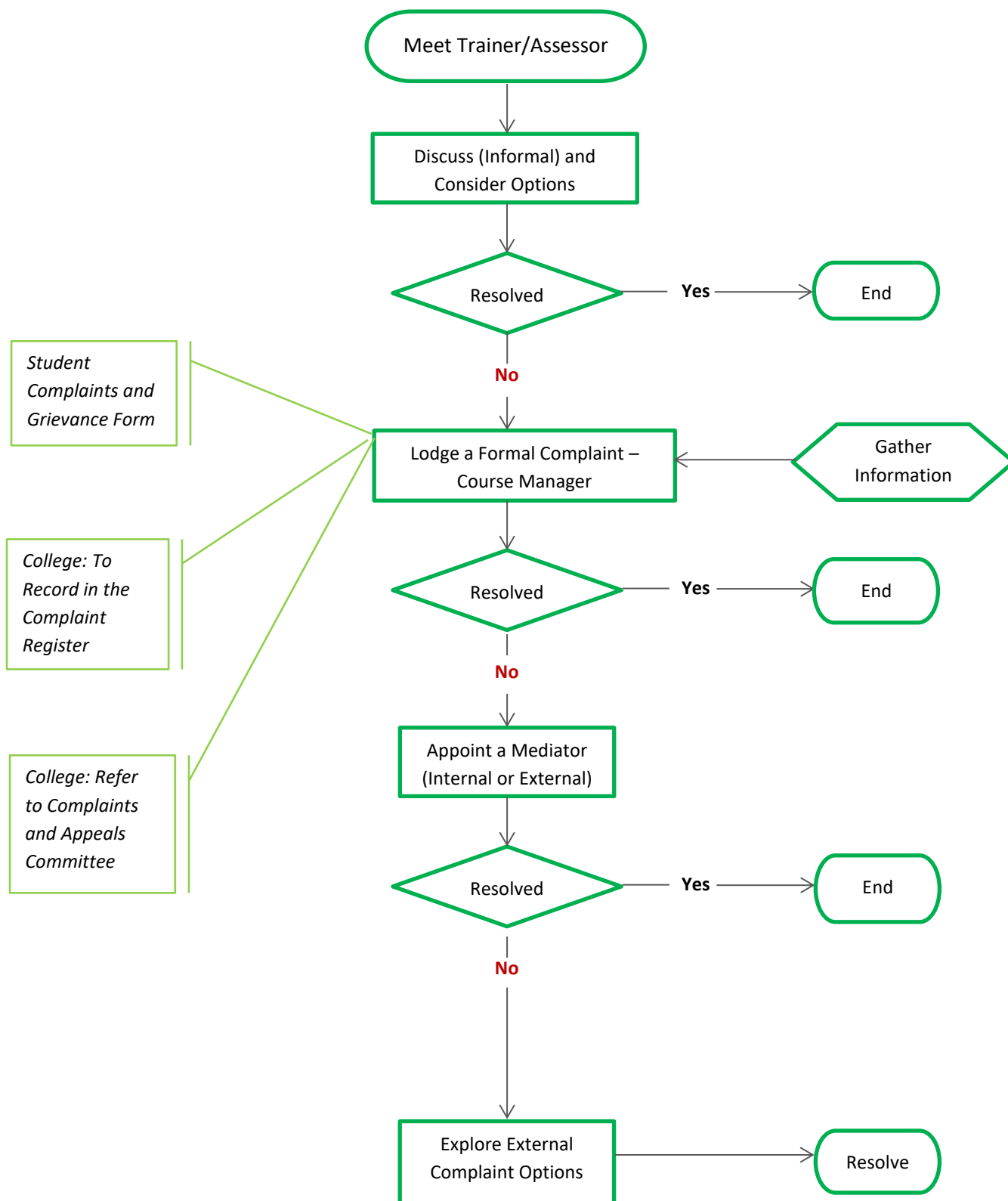
## 7. REVIEW DATE

12 months from the date of this version, or as required.

## 8. VERSION HISTROY

Version	Date	Reason for change	Prepared By	Approved By
V8	Jan 2018	Annual Review. Revised with NCP 2018 and changed the formatting.	Q & C Manager	CEO
V9	Jun 2019	Annual review. Policy reviewed for procedure of complaints and appeal and to ensure to update the Complaints and appeals registry.	Q & C Manager	CEO
V10	Oct 2020	Annual review. The version history information added on the P & P.	Q & C Manager	CEO

## STUDENT COMPLAINT PROCEDURE





## STUDENT APPEALS PROCEDURE

