

# Complaints and Appeals Policy and Procedure

## Purpose

The purpose of this policy and procedure is to outline Xpert Solutions' 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 fairly, efficiently and confidentially.

## Definitions

- **ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body
- **Appeal** means a request for a review of a decision, including assessment decisions or a third party providing services on the RTO's behalf.
- **DET** means Department of Education and Training
- **Complaint** is an allegation involving the conduct of the RTO, its trainers, assessors or other staff, a third party providing services on the RTO's behalf or a learner of the RTO.
- **PRISMS** means Provider Registration and International Students Management System
- **Overseas Student** means someone who is studying in Australia on a student visa. An overseas student is also called an international student.
- **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) from the VET Quality Framework

## Policy

### 1. Nature of complaints and appeals

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

## 2. Principles of resolution

- Xpert Solutions is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Xpert Solutions ensures that complaints and appeals:
  - Are responded to in a professional, consistent and transparent manner.
  - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - 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.
- Xpert Solutions will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges for students to submit, a complaint or appeal to Xpert Solutions or to seek information or advice about doing so.
- 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.

## 3. Making a complaint of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals should be made in writing using the Complaints and Appeals Form, or other written format and email to [complaint@xpert.edu.au](mailto:complaint@xpert.edu.au)  
When making a complaint or appeal, provide as much information as possible to enable Xpert Solutions 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.

## 4. Timeframes for resolution

- The complaint or appeal will be acknowledged in writing by Xpert Solutions, within ten (10) working days of lodgement.
- The complaints and appeals commencement of assessment will commence within ten (10) working days of lodgement.
- Complaints and appeals will be finalised as soon as practicable.
- Lodgement of an internal appeal must be made within sixty (60) days of the complaint outcome letter or assessment decision date.
- Lodgement of external appeal must comply with individual external agency criteria.

## 5. Resolution of complaints and appeals

- Some or all members of the management team of Xpert Solutions will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.

- 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.
- There are no associated costs for the student to lodge a complaint or internal appeal.
- The student is given the opportunity to formally present his or her case and be accompanied and assisted by a support person at any relevant meetings.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.
- The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- The enrolment status of student will be handled as follows:
  - For domestic students that choose to access this policy and procedure, Xpert Solutions will maintain the student's enrolment while the complaints and appeals process is ongoing.
  - For international students, Xpert Solutions 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 Xpert Solutions maintains the student's enrolment as follows:
    - If the appeal is against Xpert Solutions 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 Xpert Solutions's decision to report.
    - If the appeal is against Xpert Solutions decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Xpert Solutions will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

## 6. Independent Parties

- Xpert Solutions acknowledges the need 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 Xpert Solutions.
  - For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). See information under external complaint avenues.
  - Xpert Solutions will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
  - The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by Xpert Solutions.

## 7. External complaint avenues

- Australian Skills Quality Authority (ASQA):



Complainants may also complain to Xpert Solutions registering body, Australian Skills Quality Authority (ASQA).

To submit feedback about a training provider directly to ASQA, visit community space **asqaconnect**: <https://asqaconnect.asqa.gov.au>

If student are unable to access asqaconnect you can submit a complaint through the National Training Complaints Hotline by either completing their complaints form or calling the enquiry line on **13 38 73**.

ASQA may contact you to seek further information. ASQA aims to complete a review of a complaint within four months of submission; however, in cases where a complaint triggers a compliance or audit or investigation, this may take longer. If ASQA is not the most appropriate organisation to deal with your complaint, they will recommend that you contact the appropriate organisation. If your complaint is about an issue that ASQA regulates, ASQA will decide what action to take.

ASQA takes a risk-based approach to complaints about training providers and this means the action its takes will vary depending on the seriousness and potential impact of the complaint. In almost all cases, ASQA will notify the training provider of the complaint. The training provider will have the opportunity to respond to the allegations.

In some cases, ASQA may decide not to take action.

Under ASQA regulatory tools, ASQA may take compliance action through:

- Written Directions and Warning letter to the provider to remind them of their obligations.
- Impose conditions on registration
- Impose sanctions to suspend registration
- Issue sanctions to cancel registration in full or not renew registration.

ASQA do not facilitate students to appeal assessment outcomes with their training providers. We do not help to resolve disputes between students and training providers. If you provide us with feedback about a training provider, we usually will not advise you about actions we take or the outcome of any investigation.

ASQA cannot act as a student advocate or Act to resolve a dispute with a training provider. ASQA will use the information from complaints to inform ongoing monitoring of training providers, but may decide to take no immediate action in relation to a complaint.

- Customer Protection Agencies

The consumer protection agency in your state or territory:

- can provide information about seeking a refund or a cancellation of your course fees
- can provide information about your rights and obligations
- may be able to help you negotiate with your training provider.

Contact detail in Tasmania:

**Consumer, Building and Occupational Services (CBOS)**

Department of Justice

PO Box 56

Rosny Park Tas 7018

Telephone: 1300 654 499

Facsimile: 03 6173 0205

Email: [cbos.info@justice.tas.gov.au](mailto:cbos.info@justice.tas.gov.au)



Website: <http://www.cbos.tas.gov.au>

CBOS enforce the Australian Consumer Law in Tasmania. They can:

- assist with complaints about a business
  - refer you to other services for assistance, including another state, territory or national consumer agency.
- The Overseas Student Ombudsman (OSO)

The Overseas Student Ombudsman may be able to help if:

- you are a current or former overseas student, and
- you are or were 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 your provider
- incorrect advice given by an education agent.

Contact via: <https://www.ombudsman.gov.au/>

## **8. Records of complaints and appeals**

Xpert Solutions will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes in the Management Review Report, which will be securely stored according to the Privacy Policy and Procedures.