

# PO5.2 Complaint & Appeal Policy

**Effective Date:** 16 May 2022

**Policy Owner:** Head of Legal & Compliance

**Applies to:** All Online Delivery RTOs

## 1. Purpose

This purpose of this policy is to provide Open Colleges (OC) students with a fair and equitable policy and procedure to follow if they have a complaint regarding any aspect of:

- Open Colleges' (OC) business
- any of OC's team members including trainers and assessors
- any third party (including their employees) who provides services on OC's behalf
- any other student of OC

It also applies where a student wishes to appeal an assessment decision, or any other decision, made by OC.

It details how OC will manage and respond to such complaints, and appeals, and adheres to OC's obligations under the Standards to Registered Training Organisations (RTOs) 2015.

## 2. Scope

This policy applies to all students enrolled in any Nationally Recognised Training course delivered by OC. It does not apply to any short courses that OC sells.

## 3. Policy

### 3.1 OC's approach to managing complaints and appeals

In managing complaints and appeals, OC is committed to ensuring that:

- (a) the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- (b) this policy is publicly available
- (c) a complainant or appellant is not victimised or discriminated against

- (d) complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- (e) OC provides an avenue for review by an independent party if OC's processes fail to resolve the complaint or appeal for a student

## 4. Complaints

### 4.1 OC's approach to managing complaints and appeals

Prior to lodging a formal complaint, OC encourages students to raise their feedback, concern or issues with the appropriate support area first, as this may provide for a more effective and timely resolution of the matter:

- Student Support and Learning Support by phone on 1300 650 011, by email to [studentsupport@opencolleges.edu.au](mailto:studentsupport@opencolleges.edu.au) or via Live Chat.
- Academic Support by email to [workplacement@opencolleges.edu.au](mailto:workplacement@opencolleges.edu.au) if the matter relates to work placement, or if it relates to RPL or credit transfers, by email to [rplct@opencolleges.edu.au](mailto:rplct@opencolleges.edu.au).
- The relevant trainer and assessor via OpenSpace if the issue relates learning materials, assessment grading times or assessment decisions.

### 4.2 Complaint process

- (a) All complaints need to be submitted in writing using the Complaint Form (FR5.2). The form must be completed in full, with sufficient details about the nature of the complaint. Any other information that the student is intending on relying on in the complaint must also be provided. Complaints submitted via email will also be accepted, provided they contain all the same information.
- (b) The completed Complaint Form must be emailed to [complaints@opencolleges.edu.au](mailto:complaints@opencolleges.edu.au). An email acknowledging receipt will be sent, and a case number for reference will be subsequently provided.
- (c) A complaint may be made by a third party on behalf of a student however OC is unable to discuss any student and/ or their enrolment with a third party unless a signed Third-Party Authority is in place.
- (d) On receipt of a complaint, Student Resolutions will:
  - (i) firstly, assess the complaint and determine if the issue raised should be instead referred to another area of OC to be addressed and resolved; and
  - (ii) otherwise, will review and investigate the complaint. Where necessary, they may contact the student for additional information
- (e) In investigating a complaint, Student Resolutions will review evidence such as call recordings, emails, OpenSpace messages and any other relevant documents,

interactions with OC or material provided. They may also call on relevant OC employees, as required.

#### **4.3 Complaint outcome**

- (a) A written outcome will be provided to all complaints, including the reasons for decisions and what OC has relied on in reaching its decision.
- (b) If a complaint is made on the same (or materially the same) grounds as a complaint that has already been determined or is vexatious, OC reserves the right to decline to accept the complaint.
- (c) If a student is unhappy with the decision and consider that this policy has not been properly applied by OC, they may apply for internal review through the Appeal process. The student must lodge the written appeal within ten (10) business days of the complaint outcome.
- (d) If a student is still unhappy following the internal review, they can have their complaint reviewed by an external third party (subject to their processes), and can refer to the [National Training Complaints Hotline](#) for more information.

#### **4.4 Instalment payments while a complaint is being reviewed**

While a complaint is under review, students must continue to meet all of their ongoing financial obligations to prevent their account going into arrears. If the student's account is within the debt collection process, this means that the student may still be contacted about their payments and arrears.

#### **4.5 Consumer Law**

All students also have available to them their rights and options under the Australian Consumer Law.

### **5. Appeals**

#### **5.1 Grounds for appeal**

- (a) An appeal is a review of any decision made by OC (including its employees) with which the student disagrees, and includes decisions such as those relating to admission, recognition of prior learning, assessment, or decisions arising from the complaint process.
- (b) An appeal may be made for one or more of the following reasons:
  - (i) OC has failed to properly apply or adhere to its policy or procedure in making its determination;
  - (ii) the decision was without due consideration of all evidence, circumstances or facts; or

- (iii) new and relevant evidence is available that might have resulted in a different decision had it been available originally;
- (iv) a penalty has been imposed that is disproportionate to the circumstances; or
- (v) the student felt there was bias, prejudice or a conflict of interest in the decision-making process and can provide evidence of this.

## 5.2 Appeal process – Complaints

- (a) All appeals need to be submitted in writing using the Appeal Form (FR5.3). Appeals submitted via email will also be accepted, provided they contain all the same information. The completed Appeal Form must be emailed to [complaintappeals@opencolleges.edu.au](mailto:complaintappeals@opencolleges.edu.au). An email acknowledging receipt will be sent, and a case number for reference will be subsequently provided.
- (b) Appeals must be lodged within ten (10) business days of the decision being made that is being appealed against (including complaint outcomes).
- (c) Upon receipt of an appeal, a Student Resolutions Officer will review the decision and the outcome provided.
- (d) All appeals will be presented to the Head of Legal & Compliance for review and determination. The Head of Legal & Compliance may, at their discretion:
  - (i) seek additional information, including from the student
  - (ii) invite other stakeholders to participate in the determination of a particular case, where warranted by the circumstances or seriousness of the matter
  - (iii) dismiss an appeal
  - (iv) uphold the original decision
  - (v) provide an alternative determination
- (e) Student Resolutions will communicate the decision to the student in writing, including reasons for that decision.

## 5.3. Appeal – Special Consideration application

- (a) Where an appeal relates to the outcome of a Special Consideration application, the review of the determination will be confined to whether the Special Consideration policy has been appropriately applied. The appeal process does not provide for a further review of the Special Consideration application.
- (b) If the student has new relevant evidence, a new Special Consideration application is required to be made.

#### 5.4. Appeal process – Assessment Decisions

- (a) All appeals need to be submitted in writing using the Assessment Appeal Form (FR4.1). Appeals submitted via email will also be accepted, provided they contain all the same information.
- (b) The completed Assessment Appeal Form must be emailed to [rplct@opencolleges.edu.au](mailto:rplct@opencolleges.edu.au).
- (c) Appeals must be lodged within ten (10) business days of the decision being made that is being appealed against (including complaint outcomes).
- (d) Upon receipt of an assessment appeal, the Education faculty will review the decision and the outcome provided.
- (e) All appeals will be presented to the head of Education for review and determination. They may, at their discretion:
  - (i) seek additional information, including from the student
  - (ii) invite other stakeholders to participate in the determination of a particular case, where warranted by the circumstances or seriousness of the matter
  - (iii) dismiss an appeal
  - (iv) uphold the original decision
  - (v) provide an alternative determination
- (f) The decision will be communicated to the student in writing, including reasons for that decision.

## 6. Timeframes

OC will endeavour to provide an outcome within 20 business days, from the date that OC has received the completed Complaint Form or Appeal Form, along with all necessary information and documents.

Where OC considers more than 60 calendar days are required to process and finalise the complaint or appeal, OC will inform the student in writing, including reasons why more than 60 calendar days are required; and regularly update the student on the progress of the matter.

## 7. Conduct

OC acknowledges the nature of complaint and appeal processes. Notwithstanding this, students are expected to act reasonably and appropriately in their dealings with OC team

members, and in accordance with OC's Student Code of Conduct. Abusive and threatening behaviour will not be tolerated in any circumstances.

## 8. Reporting & Continuous Improvement

As part of the complaints process, Student Resolutions will provide feedback to the relevant

The Head of Legal & Compliance will report to Senior Management on matters arising under this policy.

## 9. Related Documents

- FR5.2 Complaint Form
- FR5.3 Appeal Form
- FR4.1 Assessment Appeal Form
- PO5.1 Cancellation & Refund Policy
- PO5.3 Special Consideration Policy

## 10. Related Legislation

- *Standards for Registered Training Organisations (RTOs) 2015*
- *National Vocational Education and Training Regulator Act 2011 (Cth)*
- *Competition and Consumer Act 2010 (Cth)*

Policy Category	Cancellations, Complaints, & Special Considerations				
Review Date	16/05/2026				
Version Control Changes					
Version	Authored By	Approved By	Description of Changes	Date Approved	Effective Date
1.0	Head of Legal & Compliance	Head of Legal & Compliance	Replacement of existing policy	30/04/2021	1/05/2021
2.0	Head of Legal & Compliance	Head of Legal & Compliance	Updated appeal process and terminology, and external resolution body	16/05/2022	16/05/2022