

## Complaints and Appeal Policy and Procedure

### 1. Purpose

Hawk Institute has implemented a documented complaint handling and appeals process and policy to provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

The purpose of this policy is to ensure that learners at Hawk Institute have a fair complaints and appeals process that includes access to an independent external body, if necessary, Hawk Institute will make sure Complaints and Appeals processes are independent and easily accessible and inexpensive for the parties involved.

This Complaints and Appeals Policy and Procedure is designed to ensure that Hawk Institute responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of:

- Standards for RTO 2015
  - Clause 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (referred as National Code 2018)
  - Standard 10

This policy has been documented for overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally.

### 2. Scope

This policy applies to all enrolled and prospective overseas students of Hawk Institute, staff members of Hawk Institute, education agents of Hawk Institute and any other related party who wish to make or lodge complaints about matters which falls within the responsibility of the Hawk Institute.

### 3. Responsibility

The Chief/Principal Executive officer (CEO) is responsible for the implementation of this policy and procedures and ensuring that staff and students are made aware of its application.

Hawk Institute will manage and respond to any complaint or appeal that overseas student makes regarding his or her dealings with Hawk Institute, Hawk Institute's trainers/assessors or other staff, Hawk Institute's education agents.

Hawk Institute has made arrangements in place for a person or body independent of internal and external to Hawk Institute to hear complaints or appeals arising from the Hawk Institute's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.

Hawk Institute will finalise the outcome as soon as practicable.

Hawk Institute will take all the complaints and appeals seriously and will resolve Complaints and Appeals quickly and equitably, using the principles of natural justice. The procedures for complaints and appeals will be fair, objective and accessible. Complaints and appeals will be recorded, acknowledged and dealt with fairly, efficiently and effectively.

Hawk Institute will identify potential causes of complaints, appeals, and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Hawk Institute will manage and respond to allegations involving the conduct of

- Hawk Institute, its trainers, assessors or other staff
- a third-party providing services on the RTO's behalf, its trainers, assessors or other staff (not applicable)
- a learner of Hawk Institute
- Hawk Institute's complaints and Appeals policy:
- ensures that the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeals process
- are publicly available like website, student's handbook and prospectus.

#### 4. Definitions

**Complainant** refers to a person who has lodged a complaint with Hawk Institute.

**Complaint** means a person's expression of dissatisfaction with any service provided by Hawk Institute, Hawk Institutes education agents or any related party that Hawk Institute has an arrangement with to deliver the overseas student's course or related services.

**Appeal** refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by Hawk Institute.

#### 5. Procedures

##### Information about the complaints and appeals process

Applicants for enrolments are provided with necessary information about complaints and appeals process in pre-enrolment information like Hawk Institute's student handbook, written agreements, etc. Information on complaints and appeals policy and procedure is available online at Hawk Institute's website [www.hawkinstitute.edu.au](http://www.hawkinstitute.edu.au)

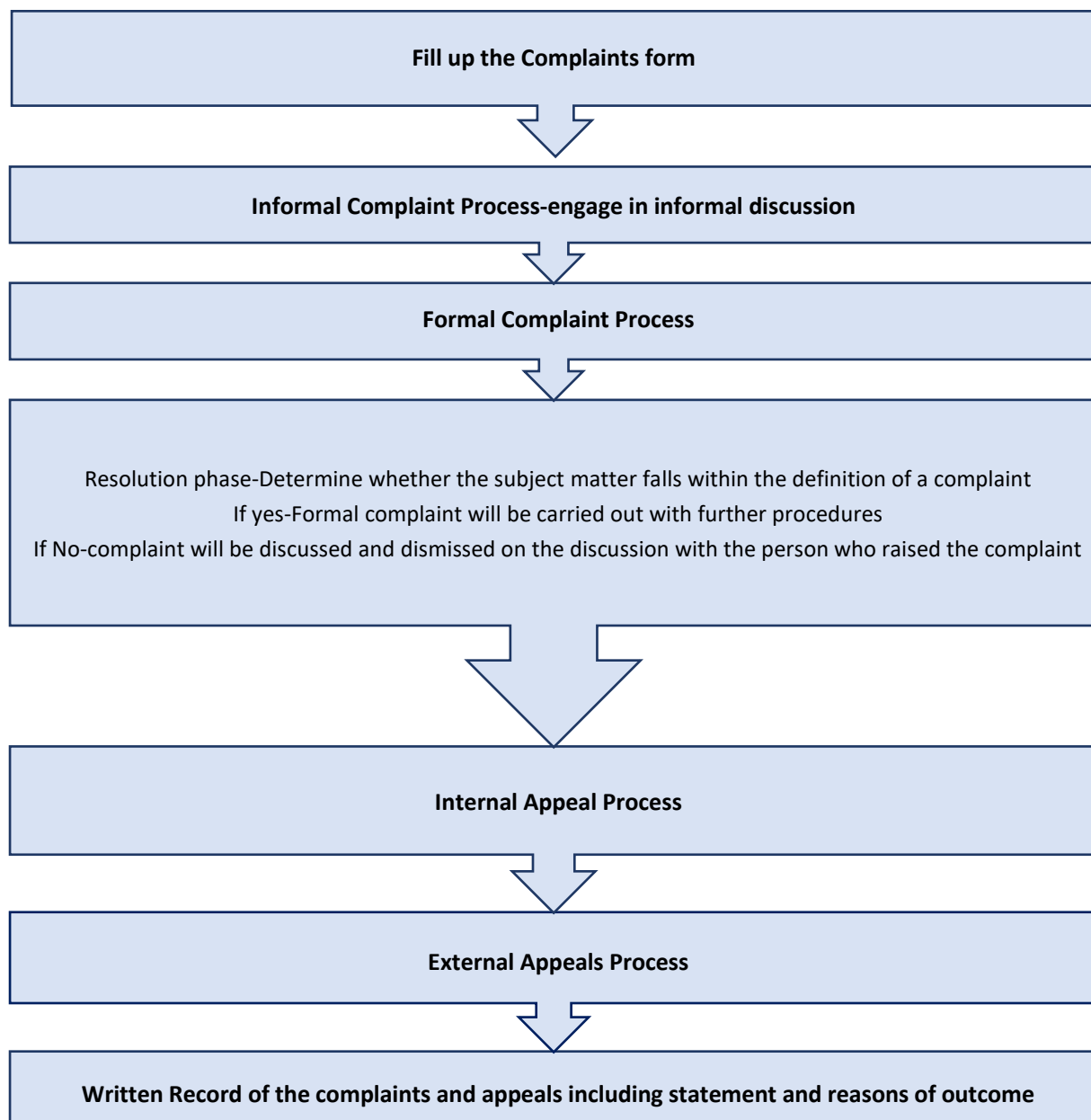
Students will be provided with information about the complaints and appeals process during orientation.

The CEO will be responsible for ensuring that all the management staff, student services staff, marketing staff, trainers and assessors and students at Hawk Institute are aware of the policies and procedures for complaints and appeals. Provision of information about the Hawk Institute's complaints and appeals process is an important aspect of the induction process for new members of staff.

##### Complaint Procedure

The Institute will maintain a Complaints/Grievance Register, and a Complaints form and Appeals form, which will allow the identification and details of the following:

- Submission date of complaint
- Nature of complaint
- Date/s when cause of complaint occurred
- Attachments (if applicable)
- Determined Resolution
- Date of Resolution.
- Independent Dispute Resolution (Overseas Student Ombudsman)



### 5.1. Informal Complaint Process

Students who wish to make a complaint are encouraged to initially engage in informal discussion about the matter with the staff member/s involved. Any student with a complaint may first raise the issue informally with Student Support Officer, Administration Officer or Trainer and attempt an informal resolution of the complaint.

Complaints dealt in this way will not become part of the formal complaints process and will not be documented, recorded or reported on unless Hawk Institute staff involved determines that the issue in question or complaint is relevant to the wider operation of Hawk Institute.

Hawk Institute staff involved in the discussion of an informal complaint or appeal will do their best to resolve the matter effectively and quickly.

Students who are not satisfied with the outcome of the complaint, they will be advised to register a formal complaint.

### **What can a complaint be about?**

A complaint can be about:

- any aspect of the service provided, or not provided by Hawk Institute
- any aspect of the training and assessment
- the behaviour or decisions of staff, or
- policies and/or procedures of Hawk Institute
- any action by any relevant 3<sup>rd</sup> party

## **5.2. Formal Complaint Process**

Students who are not satisfied with the outcome of the informal process can register a formal complaint in writing to the Student Support Officer/Complaints Officer. Students can also send an email alternatively to [info@Hawkinstitute.edu.au](mailto:info@Hawkinstitute.edu.au)

### **Lodging a complaint**

To register a formal complaint, a student must complete and submit a Student Complaints Form to to Student Support Officer/Complaints Officer providing:

- a clear and detailed statement of the complaint, including the parties involved
- a suggested solution that the student believes would settle the complaint (E.g. an appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame).
- Complaint will be lodged in a complaint register.

**The resolution phase:** The Student Support Officer/Complaints Officer will determine whether the subject matter falls within the definition of a complaint. This period is called the resolution phase.

The resolution phase will commence within **10 working days** of the complaint being lodged in writing, i.e. assessment of complaints or appeal will commence within 10 working days of it being made and the outcome will be finalised as soon as possible.

Where it is determined that the subject matter falls within the definition, the following procedures will take place:

- **Acknowledging the Lodging of a complaint**

Each formal complaint lodged by a student will be acknowledged in writing. The acknowledgement will be provided to the student in person and/or sent through email in writing by student support/admin staff.

The Student support/admin staff will forward the complaint for action to the relevant department as soon as practicable and should not take more than 10 days. Parties to complaint will not be part of the investigation team.

- **Recording the complaint**

Details of the complaints and their outcomes will be recorded in Hawk Institute's complaints and appeals register and a copy will be filed in student's file. The original complaint will be forwarded to the Student Support Officer/Complaints Officer. The Student Support Officer/Complaints Officer will be responsible for ensuring that all of these actions are completed within five working day of the lodgement of the complaint.

- **Acting on Complaint**

All concerned parties will be contacted for investigation. Students will be given an opportunity to respond and present their case with supporting evidence.

Student Support Officer/Complaints Officer will set an agenda for the meeting and discuss what steps should be taken.

**The right to be accompanied by a support person during the complaints/appeals process:** Parties making complaint will be invited for meeting and each involved party may be accompanied and assisted by a support person, according to the principles of natural justice. There will be an attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.

All the information will be gathered as required to assist with the settlement of the complaint, including, providing the respondent with the statement of the complaint and all the relevant documents.

Complaints will be investigated thoroughly in spirit of natural justice and principal fairness. Best possible resolution will be achieved keeping a student-centred approach based on the facts and documents.

- **Time frame**

Person making complaint will be informed of the outcome in writing and all the complaints will be finalised as soon as practicable understanding the student's requirements and other matters but *maximum within 60 days of receipt of complaint*.

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

**If complaint falls outside the definition of complaints:** The Student Support Officer/Complaints Officer will advise the student accordingly. Student Support Officer/Complaints Officer may dismiss a complaint if, in their view the complaint is ill advised, misguided, frivolous, malicious or vexatious.

*Note: it is to be noted that Hawk Institute will respond to any complaint or appeal the overseas student makes regarding his or her dealings with Hawk Institute or Hawk Institute's education agents.*

**At the conclusion of the resolution phase,** the Student Support Officer/Complaints Officer will write to both the student and the respondent indicating the outcome of the process and specifying any action that has been agreed upon by the parties as part of that process. Students will be informed about their Right to appeal within 20 days of the complaints if dissatisfied with the outcome.

**Record the decision:** Institute's decision and reasons for the decision will be recorded by the Student Support Officer/Complaints Officer and placed in the student's file.

**If a student is dissatisfied with the outcome of the formal complaint process,** students may initiate an internal appeal process by completing an Appeal Form available from the website [www.hawkinstitute.edu.au](http://www.hawkinstitute.edu.au) or from institute's reception.

## **Appeals**

Hawk Institute's appeals procedures will help in managing requests for a review of decisions, including decisions made by Hawk Institute.

### **5.3. Internal Appeals Process**

Internal appeals may arise from a number of sources including appeals against refund decisions, assessment outcomes, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by student who is dissatisfied with the outcome to reconsider a decision made by Hawk Institute.

An Internal Appeal Process is initiated by a student lodging an Appeal by filling up an Appeals Form available from Student Administration and/or Hawk Institute website.

- **Acknowledging the Lodging of a complaint**

Appeals are acknowledged by sending written confirmation of the complaint that will be done by Administration Manager or representative.

- **Consideration of Appeal by Complaints and appeals officer**

Where an appeal relates to the following matters, the Student Appeals Form must be lodged within 20 working days (International Students):

- Notification of an intention to report the student to the Department of Home Affairs (DHA) or due to unsatisfactory Course Progress.
- Notification of an intention to suspend or cancel a student's enrolment due to misbehaviour, or other extenuating circumstances (ref. Student Code of Behaviour and Discipline Procedures for details).

- **Time Frame and Acting on an Appeal**

Within 10 working days of receiving the Complaints and Appeal Form, Chief Executive Officer (CEO) will appoint an Investigator or convene a Student Appeal Committee to hear the appeals and propose a final resolution. This Investigator or Committee will not include any person who has heard the original complaint. The Investigator or the Student Appeals Committee will:

- a. Meet with the student (and support person, if present) and provide the student with an opportunity to present their case with any supporting evidence provided in the meeting at minimal or no cost. At any given meeting to discuss an appeal, students will be given an opportunity **to be accompanied and assisted by a support person**.
- b. At the conclusion of the meeting, students will be informed about the timeframe within which the institute will provide a written outcome of the appeal. The timeframe will generally be 10 working days. After the meeting, the Investigator or Committee will, impartially, consider all the evidence and make a decision.

### ***Student Appeal Committee***

- *Chief Executive Officer*
- *Administration Manager*
- *Investigator or nominee appointed by the CEO*

*\*Hawk Institute will ensure that assessment of the complaint or appeal is conducted in a professional, fair and transparent manner.*

The outcome will be documented and will include the reasons for the decision. If the decision goes against the student, the outcome will include information for the student of **his or her right to an external appeal**. Details of the suitable external appeal bodies will be made available to the student with information at no cost associated with that.

**If more than 60 days:** Where it is apparent that appeals will take more than 60 calendar days, appellant will be informed in writing, including reasons why more than 60 calendar days are required, and the students will be regularly updated on the progress of the matter.

**Recording the appeal:** Hawk Institute will keep a written record of the complaint or appeal, including statement of the outcome and the reasons for the outcome with signature and date of student and Administration Manager.

*A written statement of the outcome of the internal appeal, including detailed reasons for the outcome will be sent to the student.*

**If matter remains unresolved or student is unsuccessful or dissatisfied with the outcome.**

There might be cases where matter is still unresolved after the implementation of above procedures and the internal appeals process exhausted, or if the student is not successful in the Hawk Institute's internal complaints and appeals process. In such cases, institute will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process without any cost charged by Hawk Institute.

**Note: Students' enrolment will be kept active until both internal and external appeal is concluded.**

#### **5.4. External Appeals Process**

After the student has been advised of the external complaint handling process and procedure, Hawk Institute will provide students with contact details of the appropriate complaints handling and external appeals body.

Hawk Institute will refer the student to **Overseas Students Ombudsman** to lodge an external appeal or complain about the decision.

*The Overseas Students Ombudsman offers free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.*

In most cases, the purpose of the external appeals process is to consider whether the registered provider, i.e. Hawk Institute in this case, has followed its policies and procedures, rather than make a decision in place of the institute. External appeal authority will be provided with sufficient information within due timelines requested.

**For example**, if an overseas student appeals against his or her subject results and goes through the internal appeals process of the institute, the external appeals process would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

Complaints outcome will be entered in complaints register after external appeals has given a decision and copy of all relevant documents will be attached in that register.

#### **Outcome**

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, Hawk Institute will immediately implement the decision or recommendation and/or take preventive or corrective action required as per the decision and advise overseas student of that action or outcome.

Written record of the complaints or Appeal and statement of the outcome will be kept and maintained by Hawk Institute.

Examples of an external or independent body or person may include:

- private conciliators or dispute resolution counsellors
- a complaints and appeals body established by a peak industry body

- representatives of Commonwealth and state or territory government departments including the Office of the Training Advocate; or
- Commonwealth and state or territory offices of the Ombudsman may be the appropriate body for a public provider.

**NOTE:** The Overseas Students Ombudsman is a free and independent service

**The Overseas Students Ombudsman contact details are:**

- **Website:** <http://www.ombudsman.gov.au/>
- **Email:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)
- **Contact Number:** 1300 362 072

The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia.

The Ombudsman (OSO) also:

- a. Provides information about best practice complaints handling to help private education providers manage internal complaints effectively.
- b. Publishes reports on problems and broader issues in international education that OSO identify through investigations.

For further information, please visit [www.oso.gov.au](http://www.oso.gov.au) or contact overseas student ombudsman by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 011.

**Appeals related to Deferment, Suspension or Cancellation of Enrolment**

Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, Hawk Institute will not update the student's status or report to Department of Home Affairs (DHA) via PRISMS until the appeal process is completed.

Hawk Institute will maintain all relevant responsibilities until:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20-working day period;
- the overseas student has chosen not to access the external complaints and appeals process;
- The overseas student withdraws from the internal or external appeals process, by notifying the institute in writing.

**Note:** \*Please note that the following procedures do not remove your right to seek other dispute resolution services, or to seek other legal remedies, provided by external bodies, such as, the Dispute Settlement Commission of Victoria, Consumer and Business Affairs Victoria, or the Equal Opportunity Commission Victoria.

**Students Rights as Consumer**

Complaints and Appeals Policy, and Procedure do not remove the right of students to take action under Australia's consumer protection laws.

**Important Contacts**





Staff	Contact details	What assistance they can provide
Hawk Institute Student support officer	info@hawkinstitute.edu.au	Your contact to manage your complaints and appeals.
Administration Manager	info@hawkinstitute.edu.au	Your contact to manage your complaints.
Appeal committee - CEO - Administration Manager - Investigator	info@hawkinstitute.edu.au	If you are not satisfied with outcome of complaint. You can lodge an appeal with appeals committee
Overseas Student Ombudsman	In Australia 1300 362 072 Outside Australia: +61 262760111	External appeals
Australian Skills Quality Authority	<a href="https://www.asqa.gov.au/contact">https://www.asqa.gov.au/contact</a>	Complaints about providers and their practices

## Hawk Institute Complaints and Appeal Quality Checklist

*Hawk Institute staff, team must follow this checklist when handling complaints and appeals and must pay close attention to timelines as long as it takes to resolve the issue more it costs goodwill to organisation.*

Process Stage	Action	Time line	Completed (Please tick)
<b>Complaints lodgement</b>	Formal complaints is received and correct complaint form is provided	As soon as complaint is raised with staff and informal process is completed	
	Fully completed form is received from complainant and all fields are completed	As soon as practicable	
<b>Acknowledgement and records</b>	Complaint is acknowledged and written acknowledgement is sent to students.	As soon as practicable or preferably in 3 days of receipt	
	Further contact is made if complaint information is insufficient	As soon as practicable or preferably in 3 days of receipt	
	Complaint is lodged in complaint register	As soon as practicable or preferably in 3 days of receipt	
<b>Investigation</b>	Resolution phase- Complaint is checked if the matter falls within definition of complaint for further investigation	As soon as practicable but should not take more than 10 days.	
	Complaint is forwarded for action to relevant department. Parties to complaint cannot be part of investigation team.	As soon as practicable but should not take more than 10 days	
	All concerned parties are contacted for investigation. Student is given opportunity to present his/her case and respond at minimal or no cost.	As soon as practicable or within 3 days of receipt or	
	Parties making complaints are invited for meeting and option of bringing a support person is provided.	As soon as practicable or within 3 days of receipt or	
	Complaint is investigated thoroughly in spirit of natural justice and principle fairness. Best possible resolution is achieved keeping student centered approach and fact based.	As soon as practicable as and no later than 60 days of complaints.	
<b>Outcome</b>	Complaint outcome is received and communicated to all the parties with the right to appeal within 20 days of the complaint if dissatisfied with the outcome	As soon as practicable no later than 60 days	

	Where it is apparent that complaint will take more than 60 days, complainant or appellant are informed in writing, including reasons why more than 60 calendar days are required and are regularly updated on the progress of the matter.	As soon as practicable and must inform well before 60 days of complaints resolution deadline.	
	Outcome is recorded in complaints register	As soon as practicable	
<b>Internal appeals</b>	If dissatisfied with the outcome, Students are advised to lodge complaint within 20 working days of complaint outcome.	Within 20 working days	
	Appeals are acknowledged by sending written confirmation to complainant.	As soon as practicable or within 3 days of receipt or	
	Appeals are sent to appeal committee.	As soon as practicable but should not take more than 10 days.	
	Investigator is appointed to hear the appeal. Students are given opportunity to present their case with supporting evidence accompanied or assisted by a support person at any relevant meetings.		
	Appeals are investigated thoroughly in spirit of natural justice and principle fairness	As soon as practicable as and no later than 60 days of appeal.	
	Where it is apparent that appeals will take more than 60 days, appellant are informed in writing, including reasons why more than 60 calendar days are required and are regularly updated on the progress of the matter.	As soon as practicable and must inform well before 60 days of complaints resolution deadline.	
	Internal appeal is complete. Outcome is recorded in complaints and appeals register with reasons and is placed in students file. Students are provided with a written statement and detailed reason of the outcome of internal appeal	Within 60 days	
	Student enrolment is kept active until internal appeal and external appeal is concluded.	Until external appeal is finalised	
	If student is dissatisfied with the outcome, student is referred to the Overseas Student Ombudsman to lodge an external appeal or complain about the decision and informing them that it is free of cost.	Within 10 working days of completion of internal complaints handling and appeals process.	

<b>External appeals</b>	Student is advised on their rights to access an external complaint handling and appeals process without any cost charged by Hawk Institute.	Within 10 days of concluding the internal review	
	External appeal authority is provided with sufficient information within due time lines requested.	As soon as practicable or timelines specified by external agency	
	Student enrolment is kept active until the external appeal is concluded.	Until external appeal is finalised	
	Complaints outcome is entered in the complaints register after external appeals and copy of all the relevant documents are attached.	Preferably in 3 days of receipt or as soon as practicable	
	Hawk Institute implements the decision/ recommendation and takes preventive/corrective action required by the decision.	As soon as practicable	
	Students are advised about the decision and action	As soon as practicable	
	Written record of the complaint or appeal and statement of the outcome is kept and maintained by Hawk Institute.	As soon as practicable	