

SC14-II: Appeals Policy & Procedure Domestic and International Students

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Purpose

The purpose of this policy and procedure is to outline BCC Institute's approach to managing formal appeals of students. It provides a transparent approach for all appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 and Clauses 1.7 and 5.4 of the Standards, as well as compliance with the of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, Standard 10.

Definitions

Appeal means a request for a decision made by BCC Institute to be reviewed

Appellant means

College means BCC Institute

CRICOS means Commonwealth Register of Institutions and Courses for Overseas Students

DET means Department of Education and Training

PRISMS means 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 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018

Policy

1. If a student is not satisfied with the outcome of a complaint they have lodged, they can ask BCC Institute to review the decision. Decisions may concern (but are not limited to) the following areas:
 - course admissions
 - refund assessments
 - response to a complaint
 - assessment outcomes / results
 - student progression and academic progression decisions
 - other general decisions made by BCC Institute

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2. BCC Institute is committed to developing a procedurally fair appeals process that is carried out free from bias, following the principles of natural justice. Appeals should be made to the Chief Executive Officer (CEO) in the case of a domestic student and the CRICOS Manager in the case of an international student. Students will receive written acknowledgement of their appeal within 3 days of receipt. Investigation of an appeal will commence within 10 working days of receiving the student's Complaints and Appeals Form.
3. If the matter cannot be resolved informally, a process is in place for lodging an appeal. Through this policy and procedure, BCC Institute ensures that appeals:
 - 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 student 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 appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement
4. Appeals should be made in writing using the Complaints and Appeals Form accessible from <https://www.bcci.edu.au/applications/forms-and-downloads>, or other written format such as email (info@bcci.edu.au) and be sent or handed in to BCC Institute's head office at Level 1, 457 Chapel Road Bankstown NSW 2200 attention to the CEO.

Appeals must be made within 30 calendar days of the original decision being made.

When making an appeal, provide as much information as possible to enable BCC Institute to investigate and determine an appropriate solution. This should include:

 - the issue you are appealing – describe what happened and how it affected you
 - any evidence you have to support your appeal
 - details about the steps you have already taken to resolve the issue (in academic related matters)
 - suggestions about how you would like to see the matter resolved (in non-academic related matters).
5. Members of the management team of BCC Institute will be involved in resolving appeals as outlined in the procedure. Requests for an appeal will be acknowledged in writing and finalised as soon as practicable. Where a third-party delivering Services on behalf of BCC Institute is involved, they will also be included in the process of resolving the appeal.
6. Where a student chooses to access this policy and procedure, BCC Institute will maintain the student's enrolment while the appeals handling process is ongoing.
7. The enrolment status of student will be handled as follows:
 - For domestic students that choose to access this policy and procedure, BCC Institute will maintain the student's enrolment throughout the appeals process.
 - For international students, BCC Institute will maintain a student's enrolment throughout the internal appeals process without notifying Department of Education 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 BCC Institute maintains the student's enrolment as follows:
 - If the appeal is against BCC Institute'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 BCC Institute's decision to report.

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- If the appeal is against BCC Institute’s decision to defer, suspend or cancel a student’s enrolment due to misbehaviour, BCC Institute will notify DET via PRISMS of a change to the student’s enrolment after the outcome of the internal appeals process.
8. 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 student 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.
 9. BCC Institute will maintain a record of all appeals and their outcomes on the *Complaints and Appeals Register*. All records relating to appeals will be treated as confidential and will be covered by the BCC Institute Privacy Policy. Information recorded on the Appeals Register includes:
 - submission date of the appeal
 - name of the appellant
 - description of the appeal
 - determination of resolution (outcome)
 - date of outcome
 - any monitoring or follow-up actions required
 10. BCC Institute acknowledges the need for students to be able to request an appropriate independent party review a matter that has not been resolved to the student’s satisfaction by internal processes. For domestic students, the independent party used is Fair Trading NSW. Students can contact them online at <https://www.fairtrading.nsw.gov.au/> or over the phone on 13 32 20. Costs associated with independent parties to review a matter must be covered by the student unless the decision to include an independent party was made by BCC Institute.

Where an international student is not satisfied with the outcome or conduct of the internal process, they can contact the Overseas Students Ombudsman online at <https://www.ombudsman.gov.au/> or over the phone on 1300 362 072. This service is free of charge.
 11. This policy and related procedure do not replace or modify those 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 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.

Procedure

1. Appeals

Procedure	Responsibility
A. Receive and acknowledge appeal <ul style="list-style-type: none"> • As per policy, appeals are to be made in writing by the student, attention to the CEO. • The CEO or CRICOS Manager provides written acknowledgement of the appeal within 3 days of receipt and reviews all appeals within 10 working days. • Record details of appeal on the <i>Complaints and Appeals Register</i>. 	Chief Executive Officer or CRICOS Manager
B. Respond to assessment appeals <ul style="list-style-type: none"> • In the case of appeals against assessment decisions, the original 	Chief Executive Officer or CRICOS

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Procedure	Responsibility
<p>assessment decision will be reviewed by having an assessor independent of the original decision mark the assessment task again.</p> <ul style="list-style-type: none"> • The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. • Advise the student of the outcome of the appeal as per point D below. 	<p>Manager and Training Manager</p>
<p>C. Respond to appeals against non-academic decisions</p> <ul style="list-style-type: none"> • Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. • Further details from the student, 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. • If the matter is in relation to a third-party delivering Services on behalf of BCC Institute, the third party should be involved in the resolution of the appeal. • The student may request for an independent party (mediator) to be involved in the process. Where this is requested by the student, they will bear the costs associated. Additionally, BCC Institute may decide to call upon an independent mediator to assist in resolving the issue where a decision cannot be reached internally. This will be at BCC Institute's cost. • BCC Institute's CEO will review all relevant information and decide on an appropriate response. • 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 student will be advised in writing along with reasons for the extra time. They will be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	<p>Chief Executive Officer and Compliance Manager</p>
<p>D. Advise student of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the student outlining: <ul style="list-style-type: none"> ○ BCC Institute's understanding of the reasons for the appeal ○ the steps taken to investigate and resolve the appeal ○ decisions made about resolution and reasons for the decisions ○ if relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended ○ their right to, and information on, the external appeals process ○ for international students, the effect on their enrolment status (see enrolment status in policy – #7) • Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal. • Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome. • Keep a copy of the appeal and supporting documents on file and in the 	<p>Chief Executive Officer</p>

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Procedure	Responsibility
student or staff file (where relevant). <ul style="list-style-type: none"> Discuss the appeal and its outcome at the next management meeting. 	

2. Independent Reviews by External Party

Procedure	Responsibility
E. External appeal <ul style="list-style-type: none"> If dissatisfied with the internal processes, the student may initiate an external appeal. Additionally, a student who has been through the internal processes may request BCC Institute appoint an independent party to review the matter. For domestic students, the independent party used is Fair Trading NSW, however appellants can seek their own external parties at their own cost. For international students, the independent party is the Overseas Students Ombudsman. BCC Institute will cooperate fully in the process of the external party investigating and review the matter. This will include and not be limited to providing full access to the relevant student file/s and internal records were 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. Where the decision of the external party supports BCC Institute, BCC Institute will notify DET via PRISMS of the change in enrolment status. 	Staff as required

Document Control

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