

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

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

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

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. Appeals can be made to request that a decision made by BCC Institute is reviewed. Decisions may have been about:
 - course admissions
 - refund assessments
 - response to a complaint
 - assessment outcomes / results
 - other general decisions made by BCC Institute
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 trainer/assessor in the first instance, but can also be made to the CEO/Principal or the CRICOS Manager.

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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 appellant 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. BCC Institute acknowledges the need for students for an appropriate independent party to be appointed to review a matter where this is requested by the 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 appellant 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 are referred to the Overseas Students Ombudsman (OSO). This service is free of charge.

5. Appeals should be made in writing using the Complaints and Appeals Form, or other written format such as email (info@bcc.edu.au) and sent to BCC Institute's head office at Level 1, 457 Chapel Road Bankstown NSW 2200 attention to the Chief Executive Officer.

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.
 - Suggestions about how the matter might be resolved.
6. Some or all members of the management team of BCC Institute will be involved in resolving appeals as outlined in the procedures. Where a third party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the appeal.
7. 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.
8. 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 while the appeals process is ongoing.
 - For international students, BCC Institute 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 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.
 - 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.

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9. 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 appellant 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.
10. BCC Institute will maintain a record of all appeals and their outcomes on the *Complaints and Appeals Register* to allow all parties appropriate access. All records relating to appeals will be treated as confidential and will be covered by the BCC Institute Privacy Policy.
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 |
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| <p>A. Receive and acknowledge appeal</p> <ul style="list-style-type: none"> • As per policy, appeals are to be made in writing by the appellant, attention to the CEO. • The CEO should review all appeals upon receipt. • Record details of appeal on the <i>Complaints and Appeals Register</i>. | Chief Executive Officer |
| <p>B. Respond to assessment appeals</p> <ul style="list-style-type: none"> • In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again. • 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 G below. | Chief Executive Officer and Training Manager |
| <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 appellant, 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 the RTO, the third party should be involved in the resolution of the appeal. • The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, BCC Institute may decide to call upon an independent mediator to assist to resolve 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. | Chief Executive Officer and Compliance Manager |

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| Procedure | Responsibility |
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| <ul style="list-style-type: none"> • 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 appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. | |
| <p>D. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the appellant outlining: <ul style="list-style-type: none"> – The RTO’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 – 10) • 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 student or staff file (where relevant). • Discuss the appeal and its outcome at the next management meeting. | Chief Executive Officer |

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2. Independent Reviews by External Party

| Procedure | Responsibility |
|---|-------------------|
| <p>E. External appeal</p> <ul style="list-style-type: none"> • If dissatisfied with the internal processes, the appellant may initiate an external appeal. • Additionally, an appellant who has been through the internal processes may request BCC Institute to appoint an independent party to review the matter. • For domestic students, the independent party used is Fair Trading NSW, however appellants are able to seek their own external parties at their own cost. • For international students, the independent party is the Overseas Students Ombudsman. • BCC Institute will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and internal records where 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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