

COMPLAINTS AND APPEALS POLICY

1. Purpose

- 1.1 This document applies to Brunswick Institute, its courses, its clients (students) and its controlled entities (collectively "BI", "Institute", "the Institute", "we", "us", "our"), and students.
- 1.2 The purpose of this policy is to define the system available to students for dealing with student complaints and appeals.
- 1.3 This policy provides an alternative appeal or means of complaint process.
- 1.4 This policy in no way affects the students' rights to take action under the *Australian Consumer Law*.

2. Definitions

- 2.1 An education agent refers to an entity (in or outside Australia) that
 - i. Engages in any of the following activities in relation to a provider:
 - A. The recruitment of overseas students, or intending overseas students;
 - B. providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;
 - C. otherwise dealing with overseas students, or intending overseas students; and
 - ii. is not a permanent full-time or part-time officer or employee of the Institute.
- 2.2 Agent Agreement refers to the agreement between the Institute and the agent, including the schedules.
- 2.3 CRICOS refers to the Commonwealth Register of Institutions and Courses for Overseas Students.

- 2.4 ESOS Act refers to the *Education Services for Overseas Students Act 2000 of the Commonwealth of Australia*.
- 2.5 National Code refers to the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.
- 2.6 Prospective student/applicant/client refers to a person who intends to become, or who has taken any steps towards becoming, an 'overseas student' or 'intending overseas student' as defined by the *ESOS Act*.
- 2.7 DHA refers to the Department of Home Affairs.
- 2.8 OSHC refers to the Overseas Student Health Cover.
- 2.9 eCoE refers to the electronic Confirmation of Enrolment.
- 2.10 2025 Standards for RTOs refers to the *National Vocational Education and Training Regulator (Outcome Standards for NVR Registered Training Organisations) Instrument 2025*.

3. Policy

- 3.1 The Institute is committed to providing students with a supportive and inclusive learning environment. The Institute acknowledges that student complaints may arise from time to time and shall address complaints in an equal, transparent, respectful, timely, responsible, professional and confidential manner.
- 3.2 The Institute will classify complaints based on different levels and priorities. Severe cases will be addressed immediately. Severe cases involve safety, harassment, discrimination, or legal concerns, which would harm complainants' well-being.
- 3.3 Students who are concerned about the conduct of the Institute and the Institute's relevant stakeholders are encouraged to resolve their concerns using this policy.
- 3.4 Students may lodge informal and formal complaints and access the Institute's internal and external appeals process.

- 3.5 Prospective students will be provided with information about the complaints and appeals procedure before agreeing to enrol.
- 3.6 Students will be provided with details of external authorities they may approach, if required.
- 3.7 The Institute is guided by the following principles to manage student complaints and appeals:
- i. The Institute's Vision and Mission.
 - ii. Access: The Institute provides an accessible and transparent complaint handling process. Students may lodge a complaint or appeal at no financial cost, and the Institute staff will actively provide them with assistance.
 - iii. Fairness: Complaints will be properly investigated, dealt with on their merit, and managed in an objective and unbiased manner.
 - iv. Respect: People involved in the complaint and appeals process will be treated with respect and engaged in the process as far as practicable.
 - v. Support: The Institute will provide relevant student support services for complainants if required.
 - vi. Privacy and confidentiality: When processing complaints and appeals, the Institute should comply with all relevant privacy laws in Australia.
 - vii. Continuous improvement: The institute will use the complaints and appeals information to evaluate and improve its programs and services, inform decisions about future delivery, and foster better interactions between the institute, staff, students and stakeholders.
- 3.8 At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them.
- 3.9 For internal complaints and appeals:
- i. Students have opportunities to formally present their cases in writing or in person at no cost.

- ii. Students may be accompanied and assisted by a support person at any relevant meetings.
 - iii. At the conclusion of the complaint or appeal, students will be given outcomes in writing, including details of the reasons for the outcomes, and the records of the complaints and outcomes will be placed in student files.
- 3.10 A student's enrolment must be maintained whilst a complaint or appeal is in progress, and the outcome will not be determined, except in cases where the Institute intends to defer, suspend or cancel a student's enrolment due to misbehaviour.
- 3.11 In cases where the Institute intends to defer, suspend or cancel a student's enrolment due to misbehaviour, the Institute needs to await the outcome of the internal appeals process (supporting the Institute) before notifying the change to the student's enrolment through Provider Registration and International Student Management System (PRISMS).
- 3.12 The Institute encourages students to approach complaints or appeals with an open mind and resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, the Institute acknowledges the need for an appropriate external and independent agent to review the process.
- 3.13 If there is any matter arising from a student complaint or appeal that is a systemic issue that requires improvement action, this will be reported to the RTO management meeting as part of the continuous improvement process.
- 3.14 The Institute ensures that no student or stakeholder will suffer any form of disadvantage, victimisation, or discrimination as a result of lodging a complaint or appeal. This commitment applies throughout the informal, formal, internal, and external processes.
- 3.15 Nothing in this procedure inhibits a student's rights to pursue other legal remedies. A student is entitled to resolve any dispute by exercising his/her rights to other legal remedies. Students wishing to take this course of action are advised to:
- i. Contact a solicitor; or

- ii. Contact the Law Institute of Victoria, 470 Bourke Street, Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor.
- 3.16 Students can find a Complaints and Appeals Form from the Institute's main campus reception, the Institute's website or by contacting the Institute via email.
- 3.17 The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website www.ombudsman.gov.au or phone 1300 362 072.
- 3.18 Regarding training and assessments, students may complain to the National Training Complaints Service (phone number 133873) or the Australian Skills Quality Authority (phone number 1300701801).
- 3.19 Regarding privacy, students can complain to the Office of the Australian Information Commissioner (phone number 1300363992).
- 3.20 All records relating to complaints are maintained in a secure, accurate, and confidential manner. Complaint records may include electronic correspondence, hard copy documents, and entries within the complaint management system, which records complaint details, progress, outcomes, and identified opportunities for continuous improvement.
- 3.21 The Institute is to retain records relating to complaint handling for a minimum of five (5) years.
- 3.22 All complaints are assessed upon receipt to determine their urgency and impact. Critical incidents or matters relating to student safety, legal obligations, or significant welfare concerns will be prioritised for immediate resolution under the Institute's Critical Incident Policy.
- 3.23 The policy is implemented in accordance with the 2025 Standards for RTOs, the National Code, the ESOS Act and the ELICOS Standards 2018.

- 3.24 The Institute's CEO is responsible for the implementation of this procedure and ensuring that staff and students are made aware of its application.

4. Procedure: Informal complaint (General complaint)

- 4.1 Any student with a question or complaint may raise the matter with the Institute's staff and/or relevant stakeholders and attempt an informal resolution of the question or complaint.
- 4.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff involved determines that the issue, question or complaint was relevant to the wider operation of the Institute.
- 4.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.
- 4.4 Where possible, staff members utilise advice, discussions, and general mediation in relation to the issue/complaint. Staff members try to resolve the issue informally.
- 4.5 Every staff member can be involved in an informal process to resolve issues. In the event staff members feel they cannot, or it is not appropriate for them to try and resolve a complaint/issue, staff may refer students to the Institute's managerial members. The managerial members may seek advice from or delegate the handling of the complaint to academic or welfare personnel.
- 4.6 Staff may arrange a formal meeting with a student if a further investigation is required.
- 4.7 If a complaint is against a managerial staff member, the Institute's CEO should be approached and dealt with the complaint.
- 4.8 The outcome of an investigation is communicated to the student within an agreed timescale.
- 4.9 The outcome of an informal complaint should be communicated to the student within 10 working days of lodgement.

- 4.10 Students should continue to attend classes while their complaints are being considered, as their attendance and/or course progress will continue to be monitored during the complaint review process.
- 4.11 Students who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.
- 4.12 Complaints and outcomes are logged in the Student Management System (SMS) for continuous improvement purposes.

5. Procedure: Formal complaint (General complaint)

- 5.1 A student who is not satisfied with the outcome of the informal process is encouraged to raise a formal complaint. To raise a formal complaint, a student should complete a Complaints and Appeals Form and contact the Institute Admin Manager to arrange a meeting.
- 5.2 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report a student to the Department of Home Affairs in order to be considered by the Institute.
 - i. Deferral of commencement, suspension or cancellation of a student's enrolment.
 - ii. Non-achievement of satisfactory course progress.
- 5.3 At a complaint meeting, complaints must be recorded in writing and signed and dated by the complainant and the Admin Manager. The complaint is recorded in writing by completing the student complaint form prior to the meeting, or a new document can be prepared and signed during the meeting.
- 5.4 An Institute's delegate (the member of staff who is allocated to handle the complaint) may arrange a meeting with the student during the investigation process if appropriate. If a meeting is initiated, the Institute's delegate and at least one other appropriate member of the Institute should attend the meeting and review the evidence in coming to a decision. During this meeting:
 - i. Meeting minutes will be taken and made available to all parties.

- ii. A student has the right to seek advice from and be represented by external parties at any time. The cost of this will be borne by the student.
 - iii. The student has opportunities to submit and discuss the grounds/evidence for the complaint.
- 5.5 The Institute will give students every opportunity to present their cases during this process and try to resolve the issues in the best interests of students where possible.
- 5.6 The Institute's delegate will investigate the complaint and liaise with appropriate staff, if necessary, to ensure all the facts are considered prior to making a decision.
- 5.7 If appropriate, the Institute delegate may
- i. Seek advice from internal/external welfare support services and/or involve welfare support personnel in the handling of the complaint.
 - ii. Seek advice from the Institute's academic staff and/or involve the academic staff in the handling of the complaint.
 - iii. Implement the Institute's Critical Incident Policy if the delegate believes that the issue meets the criteria to be deemed so.
 - iv. Re-allocate the handling of the complaint to an appropriate staff member.
- 5.8 The Institute shall consider all evidence from the student and the Institute in coming to decisions.
- 5.9 The Institute shall clarify evidence/ information to ensure all aspects of the complaint are understood.
- 5.10 On reviewing the evidence, the Institute may attempt to negotiate a resolution to the complaint, if appropriate.
- 5.11 The Institute's Admin Manager shall resolve a student's complaint, and the relevant stakeholders that are involved, within 10 working days of the complaint being lodged in writing.

- 5.12 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 5.13 At the end of the resolution phase, the Admin Manager shall communicate the Institute's decisions and reasons to the student. The Institute's decisions and reasons for the decisions will be documented by the Admin Manager and placed in the student's file. A copy of this document will be provided to the student.
- 5.14 Students are notified of their right to appeal any decision within 20 working days of receiving notification, by lodging a Complaints and Appeals Form, if they are not satisfied with the outcome of the process. They are also notified on how to access the process.
- 5.15 Following the resolution phase, the Institute will implement the decisions as conveyed to the student and undertake any improvement actions arising from the complaint.
- 5.16 If a student's complaint is substantiated through this process, the Institute delegate will take immediate corrective action.
- 5.17 Students must continue to attend classes while their complaints are being considered, as their attendance and/or courses' progress will be monitored during the complaint review process.

6. Procedure: Internal appeals - General appeals

- 6.1 If students are not satisfied with the Institute's decisions, they may make appeals by lodging a Complaints and Appeals Form.
- 6.2 Internal appeals may arise from a number of factors, including appeals against assessment, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the Institute.

- 6.3 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 6.4 An Institute's delegate may assist students with completing the Complaints and Appeals Form.
- 6.5 The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing.
- 6.6 On receiving an appeal, the Institute shall arrange a meeting and inform the student in writing. Meeting minutes should be taken, including the outcome of the appeal. This will also include the reasons for the decision. The minutes will be signed by all present.
- 6.7 During the internal appeals process
- i. The Institute's staff who have heard the original complaint should be excluded from the meeting.
 - ii. The Institute should consider:
 - A. The written agreement that was reached with the student.
 - B. The compliance of documentation with the National Code, the ESOS Act, the ELICOS Standards 2018, the 2025 Standards for RTOs and other Australian legislative frameworks.
 - C. The advice and voice from the Institute's compliance team and relevant stakeholders.
 - D. The best interests of the student.
 - iii. The Institute should give the students opportunities to present their cases during this process, and try to resolve the issue to the satisfaction of the students, where possible.
 - iv. The Institute should consider all the evidence and liaise with appropriate staff, if necessary, to ensure all the facts are considered prior to making decisions

- v. The Institute may seek advice from internal/external welfare support services and/or academic staff.
 - vi. The Institute should clarify evidence/information to ensure all aspects of the issue have been understood, and the evidence/information must be reviewed in an impartial manner in coming to a decision.
- 6.8 Students have the right to seek advice from and be represented by external parties at any time during the appeals process. The cost of this will be borne by the student.
- 6.9 A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 6.10 The Institute must communicate with students about appeal outcomes in writing within two (2) business days of decisions being made. Students must be informed:
- i. The decisions.
 - ii. The reasons for decisions.
 - iii. The right to access the external appeals process within 20 working days of receipt of the notice.
 - iv. How to access the external appeals process.
- 6.11 If the outcome is in favour of the student, the Institute must immediately commence corrective actions.
- 6.12 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed; however, the external appeals process is available to students.
- 6.13 The appeals are updated in the Student Management System (SMS).
- 6.14 All evidence will be placed in the student's files.
- 6.15 After appealing, if a student lodges an external appeal against the Institute's decision, the Institute

- i. will maintain the student's enrolment until the outcome of the external appeal is known.
 - ii. will not take any action until the 20 days from sending a notification have expired or until the outcome from an external appeal is received.
- 6.16 Students may also seek legal redress through the court processes if they are unsatisfied with the outcomes of the external appeals.
- 6.17 Following the internal appeals phase, the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
- 6.18 Students must continue to attend classes while their appeals are being considered, as their attendance and/or course progress will continue to be monitored during the appeal review process.

7. Procedure: Internal appeals - Academic appeals

- 7.1 In the event that students feel they have been unfairly assessed or there are circumstances that impacted their performance, they may appeal an assessment decision.
- 7.2 Students may approach their assessors in this case and outline the reasons for their appeal.
- i. In the event that assessors believe there are reasonable grounds for the appeal, assessors may decide to reassess students.
 - ii. Assessors should document this process along with the outcomes in the Student Management System (SMS). All supporting documentation should be placed in students' files.
- 7.3 If the Institute refuses to offer students opportunities for reassessments, students may lodge formal appeals by submitting Complaints and Appeals Forms. Students must provide reasons for the appeals along with any supporting evidence.

- 7.4 Generally, the Institute's Academic Director should handle appeals for academic issues. However, in the event that an appeal is in relation to the Institute's Academic Director's decisions, the Institute's CEO should take over the handling of the appeal case.
- 7.5 A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 7.6 The Institute must communicate with students about appeal outcomes in writing within two (2) business days of decisions being made. Students must be informed:
- i. The decisions.
 - ii. The reasons for decisions.
 - iii. The right to access external appeals.
 - iv. How to access the external appeals process.
- 7.7 If the Institute's Academic Director/CEO or other staff member who is handling the process decides that the student's appeal should be upheld, the following actions will apply:
- i. The assessment in question will be marked by a different trainer (or by a trainer from another RTO if appropriate and feasible) with no extra cost, and the outcome communicated to the student. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
 - ii. The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the student's file.
- 7.8 Students must continue to attend classes while their appeal is being considered, as their attendance and/or course progress will continue to be monitored during the appeal review process.

- 7.9 Students can only appeal an assessment decision once.
- 7.10 There are no further avenues within the Institute for academic appeals after the internal appeals process has been completed; however, the external appeals process is available to students.
- 7.11 The appeals are updated in the Student Management System (SMS).
- 7.12 All evidence will be placed in the student's files.
- 7.13 Students may also seek legal redress through the court processes if they are unsatisfied with the outcomes of the external appeals.

8. Procedure: External appeals

- 8.1 The purpose of the external appeals process is to consider whether the Institute has followed its student complaint and appeals procedure, not to decide the place of the Institute. For example, if a student appeals against his or her subject results and goes through the Institute's internal appeals process, the external appeals process (if accessed) 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.
- 8.2 For external complaints and appeals, the independent mediator will be a third party (for instance, the Overseas Students Ombudsman).
- 8.3 The external appeals procedure will be determined by the independent mediator.
- 8.4 Following the receipt of the outcome of the external appeal, the Institute must immediately implement the decision, convey the outcome to the student, place a copy of the documentation in the student's file and undertake any improvement actions arising from the complaint
- 8.5 If an appeal is against the Institute's decision to report the student for unsatisfactory course progress or unsatisfactory attendance, the Institute must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.

- 8.6 If an appeal is against the Institute's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education through PRISMS of the change to the student's enrolment.
- 8.7 Students should continue to attend classes while their external appeals are being considered, as their attendance and/or course progress will continue to be monitored.
- 8.8 International students may contact the Overseas Students Ombudsman for external complaints/appeals. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website www.ombudsman.gov.au or phone 1300 362 072.
- 8.9 Where the Overseas Students Ombudsman results in a decision or recommendation in favour of the overseas student, the Institute will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the overseas student of that action.
- 8.10 The Institute will contact students within three (3) working days of receiving notifications from the Overseas Students Ombudsman.
- 8.11 All external appeal documentation will be placed in the student's file.

VERSION HISTORY

Version Number	Date	Summary of changes
1.0	September 2021	New policy
2.0	July 2025	Revised and updated to include the changes according to the Standards for Registered Training Organisations (2025).
3.0	December 2025	Revised and updated to include the changes according to the ESOS 2000 Act.