

## Student Complaints and Appeals Policy

### Policy

Sydney Metro College endeavors to create a positive learning environment, free of coercion, unfair treatment or harassment. Any circumstance caused by Sydney Metro College, its trainers, assessors or other staff, a third party providing services on Sydney Metro College's behalf (including, the third party organization itself, their trainers, assessors or other staff), or another learner of Sydney Metro College, which affects the well-being of a student, will be dealt with in a professional manner in line with published procedures. Students who are dissatisfied with decisions made by the Institute will be able to access the Institute's internal and external appeals processes, which are handled with care, fairness, professionalism, objectivity and independence. Should a student access Sydney Metro College's appeal process, the students' enrolment will be maintained until the internal appeals process and if necessary, external appeals process has been completed. Once the appeals process has been completed, Sydney Metro College will undertake necessary actions depending on the outcome of the appeals process, within 10 working days of the process being finalized. Where Sydney Metro College considers more than 60 calendar days are required to process and finalise the complaint or appeal, it:

- informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly updates the complainant or appellant on the progress of the matter.

### General Guidelines

1.0 A complaint is defined as a dissatisfaction with a treatment or service made by:

- 1.1 Sydney Metro College, its trainers, assessors or other staff
- 1.2 A third party providing services on Sydney Metro College's behalf (including, the third party organization itself, their trainers, assessors or other staff)
- 1.3 Another learner of Sydney Metro College

Examples of complaints include, but are not limited to:

- a) Unfair treatment conducted by any party identified in point 1.0 of this policy
- b) State of classroom facilities, equipment or resources of Sydney Metro College or third party organisations providing services on Sydney Metro College's behalf
- c) Time taken to receive feedback on academic results

- d) Time taken to access any service provided by Sydney Metro College or a third party organization providing services on Sydney Metro College's behalf
- e) Any interaction conducted by a party identified in point 1.0 of this policy

2.0 An appeal is defined as a dissatisfaction with a decision made by Sydney Metro College, or a third party providing services on Sydney Metro College's behalf. Examples of appeals include, but are not limited to, a review of:

- a) A decision, including an assessment decision made by a Sydney Metro College assessor or assessor of a third party providing services on Sydney Metro College's behalf
- b) SMC's intention to report a student for non-compliance of a visa condition
- c) SMC's decision to not provide a student refund
- d) SMC's decision to not approve a transfer request
- e) SMC's decision to not accept an enrolment
- f) SMC's decision to not approve a suspension of studies, deferment or cancellation request

Note that grounds for internal appeals generally fall in to, but are not limited to, one of the following categories:

- a) New evidence being received by the Institute, which was not reasonably available at the time that Sydney Metro College or a third party providing services on Sydney Metro College's behalf, made its decision
- b) Procedural irregularity by Sydney Metro College or a third party providing services on Sydney Metro College's behalf
- c) Other (compassionate or compelling circumstances)

### **3.0 Internal Complaints/Appeals Guidelines**

- 3.1 There is no cost involved to students in accessing SMC's internal complaints and appeals process
- 3.2 All parties directly involved in the internal complaints and appeals process may be accompanied and assisted by a support person at any relevant meeting
- 3.3 Complaints and Appeals applications must be accompanied with relevant documentation e.g. written statements, names of witnesses and any other relevant documents to support the students' case. The evidence provided by the student will determine SMC's investigative activities and will form the

basis of SMC's decision

- 3.4 Should a student not make an internal appeal within 20 working days of Sydney Metro College or a third party providing services on Sydney Metro College's behalf's initial decision, the initial decision will be maintained and the Institute or third party acting on Sydney Metro College's behalf will act on the decision
- 3.5 All students that access Sydney Metro College's complaints and appeals process will be provided with acknowledgement of receipt within 5 working days of the complete complaint/appeal (including supporting evidence) being received
- 3.6 Sydney Metro College will maintain the students' enrolment while the complaints and appeals process is ongoing, and will not act on its', or a third party acting on Sydney Metro College's behalf, initial decision until the appeals process has been completed. Students must in turn ensure they continue to meet their attendance and course progress requirements until the process has been completed
- 3.7 All students that access Sydney Metro College's complaints and appeals process will be provided with written notification of the outcome, including reasons for the outcome, within 10 working days of the complete complaints/appeal being received
- 3.8 Where the complaint or appeals process results in a decision that supports the student, Sydney Metro College or a third party acting on Sydney Metro College's behalf, will complete any corrective actions within 10 working days from the decision
- 3.9 Where the complaint or appeals process results in a decision that is not in favor of the student, the student may choose to access Sydney Metro College's external appeals process within 10 working days of the internal appeal outcome
- 3.10 Sydney Metro College will assist all students with the external appeals process and will provide the student with written acknowledgement that the external appeals process has been activated upon advice from the student
- 3.11 All records of the complaints and appeals process will be filed in the students file

#### **4.0 External Complaints/Appeals Guidelines**

- 4.1 Students that are dissatisfied with the outcome of Sydney Metro College's internal complaints and appeals process,

have the right to access Sydney Metro College's external appeals process within 10 working days of the internal appeal outcome. Should a student not make an external appeal within 10 working days of the internal appeal outcome, Sydney Metro College's initial decision will be maintained and the Institute will act on the initial decision

4.2 Sydney Metro College's external appeal reviewers are:

- Australian Council for Private Education and Training (Domestic Students)
- Overseas Students Ombudsmen (International Students)

4.3 The external review is provided at minimum cost to students that wish to access it. Where there are appeal application fees involved with the above two mentioned bodies, Sydney Metro College will cover 50% of the application fees, with the remaining 50% to be covered by the student

4.4 Sydney Metro College will maintain the students' enrolment while the complaints and appeals process is ongoing, and will not act on the initial decision until the appeals process has been completed. Students must in turn ensure they continue to meet their attendance and course progress requirements until the process has been completed

4.5 In most cases, the purpose of the external appeals process is to consider whether Sydney Metro College or a third party providing services on Sydney Metro College's behalf has followed its policies and procedures, not to make a decision in place of Sydney Metro College

4.6 The outcome of the external appeal is final, however does not remove the right for the student to take further action under Australia's Consumer Protection Laws, pursue other legal action or make a complaint to:

- The National Training Complaints Hotline 13 38 73
- Australian Skills Quality Authority (ASQA)  
<http://www.asqa.gov.au/complaints/make-a-complaint-to-other-stakeholders/making-a-complaint-to-other-stakeholders.html> (complaints about information provided by RTO's, the quality of delivery and assessment and qualifications issued or yet to be issued only)
- Department of Fair Trading  
(<http://www.fairtrading.nsw.gov.au>)
- Administrative Appeals Tribunal  
(<http://www.aat.gov.au>)

4.7 Where the external complaints or appeals process with

ACPET or OSO, results in a decision that supports the student, Sydney Metro College will provide written advice to the student and any other relevant party of the outcome and will complete all necessary corrective actions within 10 working days

- 4.8 Where the external complaints or appeals process with ACPET or OSO, maintains Sydney Metro College's or a third party providing services on Sydney Metro College's behalf initial decision, the Institute will implement the actions as stated in the initial decision
- 4.9 All records of the complaints and appeals process will be filed in the relevant students' file
- 4.10 Students not satisfied with Sydney Metro College's complaints and appeals process can contact the Department of Education by email on [esosmailbox@deewr.gov.au](mailto:esosmailbox@deewr.gov.au) or phone **1300 566 046**

## 5.0 Complaints/Appeals Process

- **Informal Stage (Complaint only):** Student advises Student Services Team and attempts to solve the problem with the relevant party identified in point 1.0 of this policy informally.

If the student is satisfied with the outcome, no further action is needed.

If the student is not satisfied with the outcome, progress to step 1.

- **STEP 1 – INTERNAL (Complaint and Appeals):** Student completes the relevant form (SMC Complaint Form or SMC Internal Appeal Form) with relevant supporting documentation and lodges it with the Admin and Account Officer. For appeals, this must be within 20 working days of Sydney Metro College or third party providing services on Sydney Metro College's behalf's initial decision.

The Manager of Student Services:

- a) Reviews the case and provides written advice of receiving the complaint/appeal within 5 working days of receiving the complete student submission
- b) Schedules a meeting with the relevant parties involved
- c) Provides student with outcome, including reasons for the outcome within 10 working days of receiving complete student submission

If the student is satisfied with the outcome, no further action is needed.

If the student is not satisfied with the outcome, progress to step 2.

- **STEP 2 – EXTERNAL (Complaints and Appeals)**: Within 10 working days of receiving the outcome, the student makes an external appeal to the Australian Council for Private Education and Training (Domestic Students) or the Overseas Students Ombudsmen (International Students) and completes and submits the SMC External Appeal Form to the Admin and Account Officer.

The Admin and Account Officer:

- a) Provides ongoing assistance to the student in accessing the Institute's external appeals process
- b) Provides written advice acknowledging the student's external complaint/appeal within 5 working days
- c) Provides student and other relevant parties with the final outcome, including reasons for the outcome within 10 working days of receiving notification from ACPET or OSO

ACPET and the OSO will review the appeal and inform Sydney Metro College and the student of the outcome.

Note that in most cases, the purpose of the external appeals process will be to consider whether Sydney Metro College or a third party providing services on Sydney Metro College's behalf has followed its policies and procedures, not to make a decision in place of Sydney Metro College. ACPET and OSO decisions are final however this does not remove the right for the student to take further action under Australia's Consumer Protection Laws or pursue further legal action.

Where the external complaints or appeals process with ACPET or OSO results in a decision that supports the student, Sydney Metro College will provide written advice to the student and any other relevant party of the outcome and will complete all necessary corrective actions within 10 working days.

Where the external complaints or appeals process with ACPET or OSO, maintains Sydney Metro College's or a third party providing services on Sydney Metro College's behalf's initial decision, the Institute will implement the actions as stated in the initial decision

**Domestic students lodging an external appeal should contact  
ACPET on 1800 657 644.**

**International students lodging an external appeal with should  
contact the OSO on 1300 362 072.**

### **Related Documents**

- Complaint Form
- Internal Appeal Form
- External Appeal Form
- Internal Appeal Acknowledgement Letter
- Internal Appeal Outcome Letter
- External Appeal Acknowledgement Letter
- External Appeal Outcome Letter
- Complaint Register
- Appeal Register

### **Related Policies**

- Student Entry Requirements, Selection, Enrolment and Orientation Policy
- Student Deferment, Suspension and Cancellation Policy
- Transfer between Providers Policy
- Student Refund Policy
- Student Attendance Policy
- Student Course Progress Policy
- Student Assessment, Reassessment and Repeating Units of Competency Guidelines Policy