



Gamma Education & Training Pty Ltd | RTO Code: 41477 | CRICOS PROVIDER CODE: 03580F

## International Students Complaints and Appeals Policy & Process

### International Students Version

Gamma Education & Training Pty Ltd has a specific complaints and appeals process that will ensure students'/International students' complaints and appeals are addressed fairly, effectively and efficiently. Furthermore, international students, trainers, assessors, other college staff and stakeholders will have a public access to Complaint and Appeal forms, policies and processes. Additionally, all international students will be provided appeal forms with the Assessment results to ensure that international students have necessary forms to appeal against assessment decisions and procedural matters.

Complaints and Appeal forms along with the policy and procedures are also available on the college website, [www.gamma.edu.au](http://www.gamma.edu.au). Furthermore, all complaints and appeals are documented in complaints and appeals registers respectively.

Students have the following documents to lodge and know about our complaints and appeals forms, policy and processes:

- The Complaint Form
- The Appeal Form
- Complaint & Appeal Feedback Form
- Continuous Improvement Register
- Complaint & Appeal Policy and Procedure

### Purpose of Complaints and Appeals Policy & Processes for the International Student

Gamma Education & Training Pty Ltd Pty Ltd strives to ensure that each international student is satisfied with their learning experience and outcomes and college's decisions. In the unlikely event if the international student needs to purpose complaint or the appeal, this document provided guidelines about our policy, processes and lodgement forms. Via the provision all international students have access to a rigorous, fair and timely complaint and appeal processes. Our staff is readily available to help you with complaint and appeals related information. Staff members will also support you throughout the process in a way that students are not disadvantaged.

When the initial causative factor of the complaint identifies a problem with the college's current systems, processes and facilities of Gamma Education & Training Pty Ltd, our improvement procedure will ensure changes are made to prevent reoccurrence of the problem. Corrective actions will be documented appropriately. If the outcome of a student's appeal through a provider's internal or external complaints and appeals handling process is favourable to the student, Gamma Education & Training Pty Ltd will immediately advise the student of this and implement the required corrective and preventive actions. All International students will receive timely correspondence regarding the status and receipt of your lodgements.

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**Note:** Students are advised to keep code of expectable conduct whilst communicating with the relevant staff to make a complaint or appeal. Students can ask the student support team any question during the grievance resolution process.

### Student Enrolment during complaint and appeals

Gamma Education & Training Pty Ltd will maintain the student's enrolment while the complaints and appeals process are ongoing. All students are encouraged to maintain their usual course progress and attendance during the resolution period unless advised otherwise by writing by the college. While the resolution is being achieved, the provider does not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

Students will not incur costs in accessing the College's complaints and appeals process internally and through independent party (*i.e.*, **Student Mediation Scheme**).

### INFORMAL RESOLUTION – Stage 1

The College staff is a happy to achieve informal resolution with the student. In this case, the CEO of the college can be involved if the staff member or the student deems it necessary. During the informal process, the student can simply raise their concerns with the relevant staff member via a chat or email. The student and staff member can resolve the matter at their level provided the student is happy with the resolution. The College staff will provide you with final resolution outcome via email so that the record of the resolution is maintained.

### How to discuss complaint informally?

At first, the student can discuss a grievance informally by approaching the relevant person. If the student is happy with the resolution provided, complaint process will stop here, and staff member will note down the resolution and will document it in the continuous improvement register. Examples of such complaints might be, untidy classrooms, kitchen or other facilities, college computers' problems, or fight among two students and other day-to-day matters that can simply be resolved when brought into the attention of the College's staff. In some cases, the informal resolution and a mediated solution will be inappropriate. For example, if the institution has failed to follow its own policies and procedures, this type of complaint will be a subject to Formal lodgement, and in most cases, will be resolved independently. Each party may be accompanied and assisted by a support person at any relevant meetings.

### COMPLAINTS - Stage 2

If you are still not happy with the Informal resolution, the matter can be formally escalated. Students can formally raise concerns relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise. A complaint may be in relation to another student, college staff, college management or any matter in relation to studying at Gamma Education & Training Pty Ltd or a third-party delivering (*i.e.*, *Education agents doing recruitment and marketing*) services on behalf of Gamma Education & Training Pty Ltd's.

All formal complaints must be submitted by the student in writing (*i.e.*, *by filling out the Complaint Form*). Gamma Education & Training Pty Ltd has ensured that complaints forms are easy to read and complete. Complaint forms are to be found on our website, college reception and / or can be requested via email from the college.

Information obtained through the complaint form allows the COLLEGE to manage and respond to allegations involving the conduct of:

- ✓ the COLLEGE, its trainers, assessors, COLLEGE staff and other parties involved
- ✓ an international student of the COLLEGE

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### Complaint Resolution Time

The COLLEGE will respond to all complaints within 30 calendar days of the receipt. After receiving a written complaint or appeal, the College will begin the resolution process within 10 calendar days of the provider receiving the formal written lodgement of the complaint or appeal.

### Complaint Resolution Outcomes

Gamma Education & Training Pty Ltd will provide a written statement of the outcome including details and reasons for the decision.

### College Complaint Resolution Committee

The CEO will convene the complaint committee. The complaint committee will consist of a panel of members with no previous involvement or vested interest in the outcome of any complaint. Members of the committee should include:

- ✓ A representative of Gamma Education & Training Pty Ltd. Management.
- ✓ A Gamma Education & Training Pty Ltd training staff member.
- ✓ A person not directly involved in providing the services for which students are raising their concerns.
- ✓ Student can involve their representative if the student is willing.

Although, the complaint committee will have an independent member, the COLLEGE will provide an independent review (*i.e., external to the COLLEGE*) for the complaint only if independent review is requested in writing by the student and when the internal complaint and appeal process is exhausted. The Stage 3 will be implemented in that case.

### How to lodge a formal complaint?

It is a normal procedure that all formal complaints are lodged in writing by filling out the Complaint Form. The Complaint form is available on the College website, [www.gamma.edu.au](http://www.gamma.edu.au), to all persons (*i.e., college staff, trainer/assessor, the international student, stakeholder*) wishing to make a complaint. If required, the college staff will assist you in filling out the form. Complaint form can be submitted to any staff member ensuring that the student does not shy away from handing the form.

Each party may be accompanied and assisted by a support person at any relevant meetings.

After being in receipt of the complaint form, complainants will receive an acknowledgement email that the complaint has been received by the college staff. Complainants will receive the final resolution outcome by way of writing within **30 Calendar days**. International students will be informed by way of writing if the resolution will take longer than 60 calendar days.

### Resolution Outcomes

The College complaint and appeal resolution committee will inform all parties involved of the outcome in writing or via email.

Although the COLLEGE will try to resolve all complaints and appeals within 30 Calendar days, for complaints with added complexity, and for example, in the instance where the review is conducted by independent parties, the resolution may take longer, hence, all international students will be notified in writing if the resolution of complaints will take longer than **60 calendar days**. Also, the reasons for the delayed temporal course of resolution will be provided in writing to the complainant. Gamma Education & Training Pty Ltd's management will maintain the complaints register to document the course of action and resolution of all formal complaints. All complaints including feedback substantiated by the complaint's procedure will be reviewed as part of the Gamma Education & Training Pty Ltd.'s continuous improvement procedure.

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### Independent resolution of complaints and appeals – Stage 3

The Institute will encourage the parties to approach a complaint or appeal with an open view. We will attempt to resolve problems through discussion and conciliation and formal internal processes. Where a complaint or appeal cannot be resolved through discussion and conciliation and internal review, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute by involving Mediation agency. The College has arrangements with Student Mediation Scheme, infoaus@resolution.institute. The review is free of charge for the student. The College will provide an independent review (*i.e., external to the COLLEGE*) for the external mediation only if requested in writing by the student. The student will be provided the Form with the Stage 2 outcome to lodge independent review. The student can submit the independent review form to any staff member of the College.

Gamma Education & Training Pty Ltd is the member of the Student Mediation Scheme availing the following services:

- Appointment of a mediator.
- Arranging a mutually convenient date and location for any preliminary conference and the mediation.
- Arranging the mediation venue and any teleconference for the preliminary conference, if applicable.
- Notifying the parties and the mediator of the arrangements.
- Providing each of the parties and the mediator with the documentation necessary to conduct the mediation.

It is the responsibility of Gamma Education & Training Pty Ltd 's management to ensure adherence to the external review of complaint and appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting international students with the appeal procedure and supply of appeal forms. The College support staff is happy to assist you in filling out the external mediation Form.

Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:

- ✓ Contact a solicitor; for example, Corney and Lind Education Lawyers, enquiry@corneyandlind.com.au, (07) 3257 7890.

#### **If the student is still unsatisfied with the external review**

Students can contact ASQA and lodge a written complaint against the college.

The student can contact the Department of Education through the ESOS online enquiry form or through the ESOS helpline 1300 615 262. The college may provide further information upon inquiry in relation to this.

#### **Availability of Student Support in Lodging Complaints**

Students will be given adequate information about the complaints and appeals processes during their orientation programme. When the student is lodging a complaint or appeal, student support officer or Course Coordinator will help the student in providing all necessary information required for lodgement and resolution. The student will be adequately supported using all available means. More details are provided in the procedure section of the policy and procedure.

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### APPEALS

Appeals are different from complaints which may comprise for example, appeal against recording assessment results inaccurately, receiving a failing grade in a unit of competency, refusal of fees refund, refusal of grant of release letter, appeals against notification of an intention to report a student to Department of Home Affairs, suspension, cancellation and deferment of study and other decisions taken by the College affecting the student.

An appeal may be in relation to any decision made by Gamma Education & Training Pty Ltd that impacts the student. The Gamma Education & Training Pty Ltd 's appeals process is concerned with the international student's right to request a change to decisions or processes of an official nature, usually in relation to academic or procedural matters. Also, assessment decisions include RPL assessment decisions. The student will not incur costs when accessing the internal appeals process unless they seek representation.

All appeals are to be lodged formally if the initial informal resolution is not achieved. Student has up to 20 working days to lodge a formal appeal after an apparently unfavourable decision by the college. Each party may be accompanied and assisted by a support person at any relevant meetings.

The following matters must be lodged via a formal internal appeal within **20 working days** of notification of an intention to report the student to Department of Home Affairs in order to be considered by the Institute.

- ✓ Deferral of commencement, suspension or cancelling a student enrolment.
- ✓ Not achieving satisfactory course progress.

### College Appeal Committee

The appeal committee will consist of a panel of members with no previous involvement or vested interest in the outcome of the particular appeal. Members of the committee should include:

- ✓ A representative of Gamma Education & Training Pty Ltd. management
- ✓ A Gamma Education & Training Pty Ltd. training staff member
- ✓ A person not directly involved in providing the services for which students are raising their concerns

### Appeal Resolution Time

The College will respond to all Appeals **within 30 calendar days** of the receipt. After receiving a written appeal, the College will begin the resolution process **within 10 calendar days** of the provider receiving the formal written lodgement of the appeal.

### Appeal Resolution Outcomes

Gamma Education & Training Pty Ltd will provide a written statement of the outcome including details and reasons for the decision. All appeals will be reviewed at the monthly management meeting and, if appropriate, result in a continuous improvement process. Continuous improvement procedures may be actioned when the appeal procedure results in identification of factors appropriate for improvement to internal operations. When the initial causative factor of the appeal identifies a problem with current Gamma Education & Training Pty Ltd's policies and / or procedures, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem.

### How to lodge an appeal?

International students will receive Appeal related information and forms with the Assessment Result sheet. The Appeal Form is also published on the college website. All international students or candidates wishing to make an appeal or any other manner of objection in relation to the decision (*e.g., assessment marking*) of Gamma Education & Training Pty Ltd have access to the following procedure:

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### STEP 1. Informal appeal:

An initial appeal will involve the appellant communicating directly with Gamma Education & Training Pty Ltd 's assessors/trainers/relevant staff verbally about the nature of appeal. Gamma Education & Training Pty Ltd Pty Ltd. management will make a decision, discuss their judgement with the appellant and record the outcome of the appeal.

International students / Candidates dissatisfied with the outcome of Gamma Education & Training Pty Ltd 's decision may initiate the formal appeal's procedure.

### STEP 2. Formal appeal:

- In case of formal appeal against assessment marking, all international students are required to wait at least 24 hours (*cooling off period*) before they can appeal the assessment decision.
- It is a normal procedure that all formal appeals proceed only after the initial informal appeal (*except for an intention to report the student to Department of Home Affairs*).
- The formal appeal is to be submitted in writing by way of filling out the Appeal Form.
- After receiving the written appeal, the college will notify international students acknowledging the receipt of the appeal via email.
- the college CEO will convene the appeal committee to reach a resolution,
- The college appeal committee will reach a decision on the appeal after careful considerations
- International students/students/candidates will be informed in writing of the outcome within **(30) calendar days** of lodging the appeal. If the resolution takes longer than **60 calendar days**, appellants will be notified in writing by explaining reasons for the delayed temporal course of resolution. The College will try its best to resolve the appeal as soon as practicable.

The formal notice of appeal is required to comply with the following principles upon submission to the college management:

- The notice of formal appeal should be made in writing, addressed to Gamma Education & Training Pty Ltd for
- referral to the management team and submitted within **(20) working days** of College's decision. The appeal form is available on the website, [www.gamma.edu.au](http://www.gamma.edu.au), can be requested by email. Also, appeal forms are given to international students with the Assessment Results.
- The notice of appeal must be submitted within the specified timeframe otherwise the original result will stand. If the international student's appeal needs to be deferred due to emergency, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to the college management via email ([ceo@gamma.edu.au](mailto:ceo@gamma.edu.au)). The notice of deferral must be submitted within **(7) calendar days** of the conclusion date displayed on the medical certificate.
- Appeal processes through the College is free of charge including the independent appeal pursued via the College mediator.
- Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be covered by the student.

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**The Student Support Officer or Course Coordinator will support via the following means:**

- Assist the student register their formal complaint or appeal.
- Provide lodgements forms.
- Ensure the resolution phase commences within specified time of the written complaint being lodged.
- Provide the student, or the students representative, with an opportunity to present their complaint.
- Ensure to fully understand your complaint / appeal.
- Work with you to identify how the complaint can be resolved to your satisfaction.
- Consult and negotiate with all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution.
- Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document.
- Arrange for the proposed resolution to be signed off by the student.
- Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
- Ensure that corrective measures are implemented immediately by the College if applicable.
- Advise the student to take the complaint/ appeal to the next stage if a resolution cannot be agreed upon.

### External appeal mediation/resolution

When the student has exhausted the College's internal appeal process without reaching an appropriate resolution, the students can fill a form (*i.e.*, *LEADR Application for External Review*) to access an external appeal mediation/resolution. All students can access the website, <https://www.resolution.institute/membership-information/student-mediation-scheme> for further information.

The College staff will email students LEADR application form or students can fill in the form at the College reception. After the receiving the student application for an external review, applicants will be forwarded a letter (*by email or post*) acknowledging the receipt of their external appeal and a copy of this policy and procedure within **5 working days** of Gamma Education & Training Pty Ltd receiving such request.

The Institute will forward all external appeals to the mediator agreed by both parties e.g., LEADR within **5 working days**.

LEADR will advise the student that in general, the purpose of the external appeals process is to determine whether Gamma Education & Training Pty Ltd has followed its internal complaints and appeals policy and procedure.

The mediators will not review the evidence or make a decision in place of those made by Gamma Education & Training Pty Ltd.

### Students will not incur costs in accessing the external appeals process.

All documentation will be placed in the student's file.

The mediator will provide a written statement of the outcome including reasons and details for the decision to the appellant and Gamma Education & Training Pty Ltd at the completion of the external appeals process.

If the outcome of the external appeals process results in a decision favouring the student, Gamma Education & Training Pty Ltd will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body.

The student will be contacted within one business day of receiving notification of the decision.

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There are no further avenues provided by Gamma Education & Training Pty Ltd available to students once the internal and external complaints and appeals process has been accessed. Students have the right to access other legal avenues.

If the appellant is still not satisfied with the resolution of the appeal, the international student may contact ASQA and lodge a written complaint against the COLLEGE. The student can contact the Department of Education through the **ESOS online enquiry form** or through the ESOS **helpline 1300 615 262**.

International students may also access the external appeals process through the Overseas Students Ombudsman. 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.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

The Students Ombudsman will not review the evidence, or make the decision in place of those made by Gamma Education & Training Pty Ltd. The Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and Gamma Education & Training Pty Ltd at the completion of the external appeals process. The student will be advised as to the course of action taken by Gamma Education & Training Pty Ltd as per The Overseas Students Ombudsman's advice.

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