



# Complaints and Appeals Policy & Procedures

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## Purpose

The purpose of this policy and procedure is to outline Ruby Institute’s approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards, as well as compliance with the of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10 and the English Language Intensive Course for Overseas Students (ELICOS) Standards 2018 Standard P8.

## 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 Ruby Institute to be reviewed

**DET** means Department of Education and Training

**ELICOS Standards** means the *English Language Intensive Course for Overseas Students (ELICOS) Standards 2018*

**Complaint** means a person’s formal expression of dissatisfaction with any product or service provided by Ruby Institute

**PRISMS** means Provider Registration and International Students Management System

**Overseas Student** means someone who is studying in Australia on a student visa. An overseas student is also called an international student

**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



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## Policy & Procedures

### 1. Nature of complaints and appeals

- Ruby Institute responds to all allegations involving the conduct of:
  - Ruby Institute, its trainers and assessors and other staff.
  - Any third party providing Services on behalf of Ruby Institute and including education agents.
  - Any student or client of Ruby Institute.
- Complaints may be made in relation to any of Ruby Institute's services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training/teaching and assessment provided
  - training/teaching and assessment matters, including student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
- An appeal is a request for a decision made by Ruby Institute to be reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by Ruby Institute

### 2. Principles of resolution

- Ruby Institute is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Ruby Institute ensures that complaints and appeals:
  - Are responded to in a professional, consistent and transparent manner.
  - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Ruby Institute will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges for students to submit, a complaint or appeal to Ruby Institute, or to seek information or advice about doing so.



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- 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.

### 3. Making a complaint of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals must be made in writing using the *Application for Complaints and Appeals Form*, or other written format and sent to Ruby Institute's head office at Level 7, 250 Collins Street, Melbourne VIC 3000, attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable Ruby Institute to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.
  - Details about the steps you have already taken to resolve the issue.
  - Suggestions about how the matter might be resolved.

### 4. Timeframes for resolution

- The complaint or appeal will be acknowledged in writing within 3 business days.
- The complaints and appeals process will commence within 10 business days of receipt of the application. Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

### 5. Resolution of complaints and appeals

- Some or all members of the management team of Ruby Institute will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.



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- The enrolment status of student will be handled as follows:
  - For domestic students that choose to access this policy and procedure, Ruby Institute will maintain the student's enrolment while the complaints and appeals process is ongoing.
  - For international students, Ruby 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 Ruby Institute maintains the student's enrolment as follows:
    - If the appeal is against Ruby 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 Ruby Institute's decision to report.
    - If the appeal is against Ruby Institute's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Ruby Institute will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

### 6. Independent Parties

- Ruby Institute acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Where applicable, costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Ruby Institute.
- Complainants and appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <https://www.resolution.institute/disputeresolverdirectory>
- International students may also use the Overseas Students Ombudsman. This service is free of charge. 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). See information under external complaint avenues.
- Ruby Institute will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by Ruby Institute.

### 7. External complaint avenues

- Complaints can also be made via the following avenues:
  - National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

    - Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.



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- Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)
- Australian Skills Quality Authority (ASQA):  
Complainants may also complain to Ruby Institute's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about Ruby Institute in relation to:

- the quality of our training and assessment
- our marketing and advertising practices

ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted Ruby Institute's formal internal complaints process as above.

Please refer to the following website before making a complaint to ASQA:

<https://www.asqa.gov.au/complaints>

- The Overseas Student Ombudsman (OSO)

International students may complain to the OSO if their complaint is in relation to Ruby Institute:

- refusing admission to a course
- course fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.
- if you believe Ruby Institute has failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results in the normal timeframe, or failing to provide services included your written agreement with Ruby Institute.

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

### 8. Records of complaints and appeals

Ruby Institute will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the *Privacy Policy and Procedures*.

### 9. Publication

This policy and procedure will be published in the Student Handbook and on Ruby Institute's website.