

1. Purpose

This policy relates to students and clients engaging with the divisions of Niche Education Group Pty Ltd (Niche) and any of its Colleges or Training Partner Organisations (TPOs), including:

- Australasian Academy of Cosmetic Dermal Science (AACDS),
- Australian College of Beauty Therapy (ACBT),
- Australian College of Specialist Make-Up (ACSM),

2. Definitions

The Act refers to the Higher Education Support Act 2003

Appeals are requests for review of decisions made by the RTO. These decisions could involve assessments, progression to further training, enrolment, or access to support services. A student's right to appeal an assessment decision is additionally advised on all assessment tools, including required timeframes for consideration.

Complaints are allegations made by a learner or client that relate to the conduct of an RTO, its staff, a third-party offering services on its behalf, or other learners.

Compliance Manager or their representative is a member of staff responsible for the quality and self-assurance of the RTO. They are selected as the initial point of contact in the formal complaints procedure to support a process that is independent and fair. They are responsible for ensure that all opportunities, actions, and records are appropriately captured and managed.

Client refers to any entity or individual with whom the RTO conducts business or attempts to conduct business.

Student refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are or would be entitled to VET Student Loans under clause 43 of Schedule 1A of the Act or who have gained enrolment into a Niche course whether delivered directly or through a third-party service provider.

3. Responsibility

The Chief Executive Officer (CEO) is responsible for implementation of this policy and procedure and ensuring all staff and third-party providers are fully trained in its operation and it is made available to internal and external parties.

4. Overview

- Niche is committed to providing an effective, efficient, timely, fair, and confidential complaint and appeal handling process, whether formal or informal, which is easily accessible without charge.
- Niche is committed to identifying potential causes of complaints and appeals and takes appropriate corrective actions to eliminate or mitigate the likeliness of occurrence.
- Students and clients are entitled to access this procedure regardless of the location of the delivery of training, their place of residence or mode of study, without charge.
- Niche's policy extends to all students undertaking training and to all third parties providing services on behalf of Niche including trainers, assessors, or other staff.

A Process Flow Chart has been provided at Appendix 1 to provide further clarity of the steps to be completed and decision processes.

5. Informal Procedure

- All students or clients are encouraged to attempt to resolve arising issues with people directly involved in the first instance. Often, differences of opinion need only to be voiced and acknowledged to be resolved.
- Contact details of all relevant RTO staff, including the support team will be made readily available to facilitate this process.
- All relevant feedback and communication will be added to the Student Management System or client file, for tracking and support purposes.
- Issues arising will be monitored by the College Manager and reported through to Senior Management at the regular quality and self-assurance meeting (or sooner if necessary).
- Continuous improvements arising due to an informal complaint or appeal will be managed as per the relevant Continuous Improvement Policy.

6. Formal Procedure

General principles applying to all stages of this procedure which will be adhered to by Niche are:

- Both parties have the opportunity to present their case at each stage of the procedure.
- Both parties have the option of being accompanied/assisted by a third person (such as a family member, friend, or counsellor) if they so desire and at their own cost. Notice should be given if this will be occurring.
- Neither party will be discriminated against or victimised.
- All stages of this process are supported by written documentation provided to the relevant party. This includes but is not limited to initial advice (via the Complaints and Appeals Form) and formal decisions including any arising actions.
- Records will be kept for a period of five years. These records will be kept strictly confidential and stored in RTO file management system. Parties that have accessed this procedure may access the relevant records.
- Access to all stages of this procedure will be provided at no cost.
- Where Niche considers that more than 60 calendar days are required to process and finalise a complaint or appeal Niche will:
 - Provide notification of this in writing, including reasons why more than 60 calendar days are required.
 - Regularly update the other party on the progress of the matter.
- A Student's enrolment will not be affected during the complaints and appeals process except in extenuating circumstances. If these apply the student will be informed in writing.

Appeals relating to the result from an assessment must be lodged in writing no later than 14 working days from the official notification of results.

There are three distinct stages of the formal procedure:

Stage One

This stage is commenced once a formal complaint or appeal is received.

- Written details of the complaint/appeal are provided via the Complaints and Appeals Form. It is requested that any supporting evidence be provided at this time. This can be lodged with the reception, other staff or submitted directly to the Compliance Manager.
- Formal complaints and appeals may also be provided via email without the use of the form.
- The Compliance Manager (or other appointed staff member) will provide a formal acknowledgement of receipt of the complaint or appeal within 5 working days.
- The Compliance Manager will proceed to review the situation and will provide a formal response, including any outcomes, reasoning, evidence, and appropriate actions within 14 working days.
- Upon a favourable determination, actions to be carried out by the RTO will be completed within 10 working days unless otherwise advised in the formal decision.
 - In the event of an appeal to an assessment decision the resulting action may include re-assessment by another Assessor.
- When considering relevant timeframe within which notification will occur the following factors will be taken into consideration:
 - the length of a student's visa
 - the student's enrolment in future units and/or courses
- If the Compliance Manager is unable to make a determination an independent internal party or committee with the relevant expertise to ensure impartial judgement will be appointed.
- The right to appeal the decision, including the result of a re-assessment, and option to access the next stage of this procedure will also be provided in writing at this time. This will include the details on how to commence the Stage Two process and who to contact.

Stage Two

This stage is commenced if the individual making the complaint / appeal is not satisfied with the decision or actions outlined in the Stage One response.

The purpose of this stage is to review the original decision made to determine if was made fairly, if all evidence was considered, and if further evidence has been supplied which may change the original decision.

- Appeal of a Stage One decision must be made in writing to the Chief Executive Officer (CEO). This can be lodged with the reception, other staff or submitted directly via email or post.
- If there is new evidence to be considered it should be provided at this time.
- A formal acknowledgement of receipt of the appeal will be provided within 5 working days.
- If required, investigation will include mediation discussions between the original parties with the CEO acting as mediator. This will be conducted at no cost.
 - Any party can be accompanied or assisted by another person, at the party's own cost.
- The CEO will conduct all necessary consultations with all parties and make a determination of the appeal.
- Written confirmation of the outcome including reasons for the decision will be provided within 14 working days.

- When considering the relevant timeframe within which notification will occur the CEO will take into consideration such factors as the length of a student's visa and the student's enrolment in future units and/or courses.
- The right to appeal the decision and option to access the next stage of this procedure will also be provided in writing at this time. This will include the details on how to commence the Stage Three process and who to contact.

Stage Three (External Review)

This stage is commenced if the individual making the complaint / appeal is not satisfied with the decision or actions outlined in the Stage Two response.

The purpose of this stage is to provide opportunity for an independent, external third party to review the previously made decisions to determine they were made fairly, if all evidence was considered, and if further evidence has been supplied which may lead to the suggestions of further actions.

- Appeal of Stage Two must be made in writing to the CEO. This can be lodged with reception, other staff, or submitted directly via email or post.
- Appeals or requests for independent third-party review of decisions are to be lodged in writing **within 28 days** of the decision or outcome.
- A formal acknowledgement of receipt of the appeal will be provided within 5 working days. This will include information about who the elected external review party will be the expected time frames and associated fees / costs that may be incurred.

NOTE - Domestic Students enrolled in VSL approved courses will not incur an engagement fee.

- The matter will be referred within 10 working days to the elected external body appointed by Niche for consideration.
- The details for the external body and contact are:

Resolution Institute

Phone: 1800 651 650

Email: infoaus@resolution.institute

Web: - <https://www.resolution.institute/>

- Should the above-mentioned body not be able to take on the referral another independent party will be sourced by Niche.
- Once referred, any requests for completion of paperwork or documents by the external reviewer must be done within **3 months** of the request. Failure to provide all requested information in the time frame will result in the Stage Three review being closed.
 - If the Stage Three review is closed due to failure to meet conditions, students will be provided with the Ombudsman details for further support.

Commonwealth Ombudsman

Phone: 1300 362 072

Email: VET@ombudsman.gov.au

Web: - vet.ombudsman.gov.au

- If a mediation meeting or discussion is required, any party can be accompanied or assisted by another person, at the party's own cost.

- Niche will give due consideration to any recommendations arising from the external review within 14 working days of notification of the outcome.
- Each party will be given written notice of the decision for the external review outlining the reasons for the decision.

7. International Students

All international students enrolled are entitled to access this policy.

International students may choose to contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

Overseas Students Ombudsman

Website: www.oso.gov.au

Phone: 1300 362 072

This process does not prevent an international student from exercising rights to other legal remedies.

8. Further Points of Contact

The following external bodies may also be consulted at any time:

- Department of Fair Trading Ph: 13 32 20
- Consumer Protection Advice Line Ph: 1300 30 40 54
- Citizen's Advice Bureau (WA) Ph: 08 9221 5711 (\$25 for initial legal advice)

or search the White Pages for similar services in other states.

9. Record Keeping and Monitoring

Informal complaints and appeals will be recorded in the student management system and monitored by the College Manager or their representative. Formal reporting of these will be provided during quality and self-assurance meetings which will allow for any possible improvement opportunities to be identified.

The Complaints and Appeals Register will be used to monitor all formal processes.

All reviews conducted during the formal process will use the Internal Complaint / Appeal Review Form.

Any identified continuous improvement items, either through formal or informal processes, will be monitored via the Continuous Improvement Register as outlined in the Continuous Improvement Policy.

10. Supporting Documents

The following documents support this policy:

- Student Handbook
- Student Withdrawal, Refund and Re-Credit of VET Student Loan Balance Policy
- Fees, Charges and Refunds Policy and Procedure
- Enrolment Contract
- Internal Review Form
- Complaints and Appeals Register
- Continuous Improvement Policy
- Continuous Improvement Register

11. Publication

This document will be made available to Students in full through publication on the website www.nicheeducation.com.au, and referenced either in full or part in Enrolment Contracts, student induction, student handbooks or guides. If requested a physical copy can be obtained from the Niche reception.

Version Control			
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Appendix 1 – Process Flowchart

