

Complaints and Appeals Policy

Complaints

New Era Institute is committed to providing a fair and transparent complaint handling process.

What is a complaint?

A complaint is negative feedback about services or people which has not been resolved locally. It may involve issues concerning:

- New Era Institute, its trainers, assessors or other staff;
- a third party's services provided on the New Era Institute behalf, its trainers, assessors or other staff; or
- a learner of New Era Institute.

Early resolution of complaints

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

Relationship to continuous improvement

Frequently, the complaints handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints handling is very positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making a complaint

A complaint may be received by New Era Institute in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person but are generally made by students and/or work placement staff.

To make a complaint, the person is recommended to complete the New Era Institute - Complaint Form. This form is available via www.newerainstitute.edu.au under

student portal. The completed complaint form is to be submitted to The Chief Executive Officer either in hard copy or electronically. These instructions are detailed within the Student Handbook.

Complaint handling principles

New Era Institute will apply the following principles to its complaints handling:

- A complaint may be received in any form (written, verbal) although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on www.newerainstitute.edu.au. There is no time limitation on a person who is seeking to make a complaint.
- A written record of all complaints is to be kept by New Era Institute including all details of lodgement, response and resolution. The complaints register within RTO Data is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling will be stored securely in the student file (hard and soft copies) to prevent access to unauthorised personnel.
- A complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- The complaints policy must be publicly available. This means that the complaints policy and procedure are published on the New Era Institute website www.newerainstitute.edu.au under Student Services/Policies & Procedures.
- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where New Era Institute Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in

writing, including reasons why more than 60 calendar days are required. As a benchmark, New Era Institute should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of New Era Institute and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of **four (4) weekly intervals**.

- New Era Institute shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the student shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No New Era Institute representative is to disclose information to any person without the permission of New Era Institute Chief Executive Officer. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form. This form will be scanned and stored electronically by Student Services in the individualised student file on the server. The hard copy is stored in the student file management room.
- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right of reply. The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

Third Party Review

Where the person making a complaint is not satisfied with the handling of the matter by New Era Institute, they have the opportunity for a body or person that is independent of New Era Institute to review his or her complaint following the internal completion of complaint handling process. In these circumstances the New Era Institute Chief Executive Officer will advise of an appropriate party independent of New Era Institute to review the complaint outcome (and its subsequent handling) and

provide advice to New Era Institute in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by New Era Institute as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the New Era Institute appoints or engages an appropriate independent person to review a complaint, the New Era Institute will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation they nominate to undertake the review, New Era Institute may seek the person making a complaint to contribute to the cost of engaging this person to undertake the review.

Information on complaints and appeals is contained within the Student Handbook.

Unresolved Appeals

Where the person making a complaint remains dissatisfied with the outcome of the complaint handling procedure, the person making a complaint is to be directed to the following external agencies:

- In relation to consumer protection issues, they may be referred to the **Office of Fair Trading** via the following phone number: 13 32 20.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is provided to students in the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the New Era Institute for information.

International Student Complaint

Where an international student complaint is unable to be resolved, the matter may be referred to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman:

investigates complaints about problems that overseas students have with private education and training in Australia provides information about best practice complaints handling to help private education providers manage internal complaints effectively considers, free of charge, external appeals under Standard 8 of the National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students

Please find more information on the OSO website:

<http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page>

New Era Institute is to co-operate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman. ASQA that may investigate the handling of a complaint using the [ASQA Online Complaint Form](#). Students will be advised that ASQA will require the student to have exhausted all avenues through New Era Institute internal complaints handling procedure before taking this option. New Era Institute considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within New Era Institute internal arrangements.

Complaints Handling Procedure

Matters that cannot be resolved at the time they occur should be referred to New Era Institute Chief Executive Officer for review. The following procedure is to be followed when a complaint form is received:

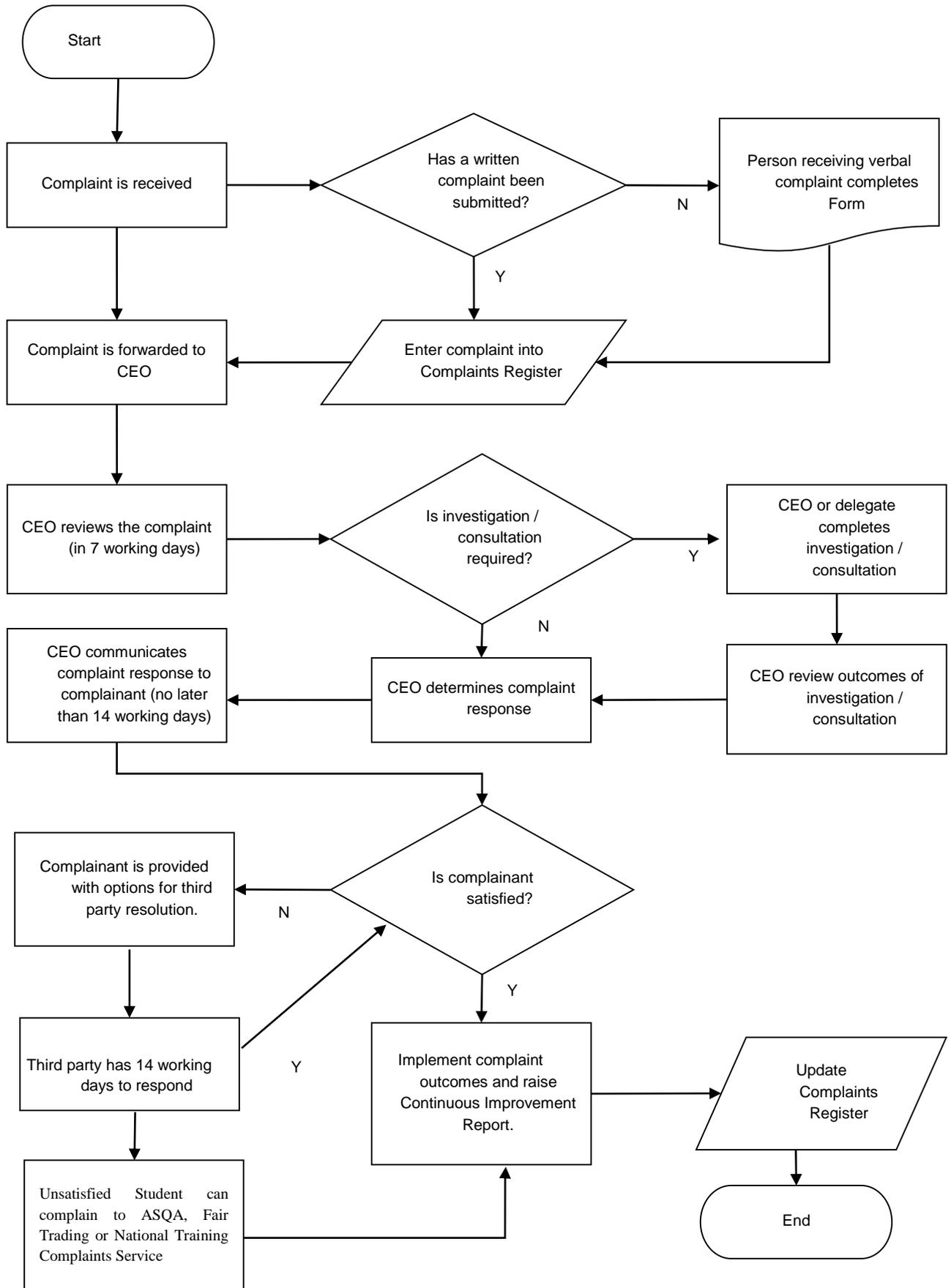
- The written complaint is received by any of New Era Institute staff and is to be recorded in a timely manner into New Era Institute Complaints and Appeals Register on RTO Data.
- Complaints which are received in other forms such as by phone are to be detailed on a Complaints and Feedback – Oral Form by the staff member receiving the complaint and then recorded in a timely manner into New Era Institute Complaints and Appeals Register.
- The documented Complaint is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with the complainant, with others within New Era Institute or relevant agencies external to New Era Institute in determining their recommendations.
- The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy.
- The Chief Executive Officer is to commence their review of the complaint within **seven (7) working days** from the date the complaint was submitted.
- The Chief Executive Officer is to finalise their response to the complainant and provide the complainant a response as soon as possible but no later than **fourteen (14) working days** from when the complaint was submitted.

- The Chief Executive Officer is to communicate the response to the complainant personally either during a meeting or via the telephone. Complaint responses are not to be provided to the complainant via any third-party or via electronic communication such as e-mail. The Chief Executive Officer is to seek feedback from the complainant about their level of satisfaction with the complaint outcome and advise the complainant of their options if they are not completely satisfied with the outcome.
- Where the complainant is not satisfied with the outcome of the complaint handling, the Chief Executive Officer is to arrange for the complaint to be considered by an appropriate independent third-party (appointed by the CEO). The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested.

A complainant who remains not satisfied with the process applied by New Era Institute may refer the matter to the Office of Fair Trading via the following phone number: 13 32 20 (in relation to consumer protection matters) or National Training Complaints Service via the following phone number: 13 38 73 or Australian Skills Quality Authority via their [ASQA Online Complaint Form](#). Students are advised that ASQA will require the student to have exhausted all avenues through New Era Institute internal complaints handling procedure before taking this option.

- The response to the complainant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the complaint.
- Opportunities for improvement that were identified as a result of the complaint are to be recorded in a Continuous Improvement Report and submitted for the next Management Team meeting. The Chief Executive Officer may, at her discretion, follow-up with the complainant after consideration by the Management Team to inform the complainant of the improvement actions identified.
- The Complaints and Appeals Register on RTO Data is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved. Complaints and appeals which are open or subject to ongoing consideration are discussed at subsequent management meetings as detailed in the standard agenda.

Complaints Handling Process



Appeals

New Era Institute is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with New Era Institute. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty (20) working days** of the decision or finding is informed to the student.

It is important to note that a student may appeal any decision made by New Era Institute or a third party providing services on New Era Institute's behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that New Era Institute may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling an assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

Early resolution of appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It can often be the case that a student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

Relationship to continuous improvement

Frequently, the appeals handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making an appeal

An appeal must be received by New Era Institute in writing using Request for appeal of a decision form within twenty (20) working days of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the New Era Institute - Request for Appeal of a Decision form can be found on www.newerainstitute.edu.au under Student Portal or by requesting from Reception at New Era Institute. The completed form is to be submitted to The Chief Executive Officer either as a hard copy or electronically. These instructions are detailed within the Student Handbook.

Appeal handling principles

New Era Institute will apply the following principles to its appeals handling:

- Appeals must be lodged within **twenty (20) working days** of the decision or finding being informed to the person.
- A written record of all appeals is to be kept by New Era Institute including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to complaint handling will be stored securely in the student file (hard and soft copies) to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at minimal or no cost.
- An appellant may be accompanied and/or assisted by a support person at any relevant meetings. Equally, New Era Institute may be accompanied and/or assisted by a support person at any relevant meetings.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the New Era Institute website.
- The handling of an appeal is to commence within **ten (10) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fifteen (15) working days** of the lodgement of the appeal.
- Appeals should be resolved to a final outcome within **twenty-eight (28) working days** of the appeal being initially received. Where New Era Institute Chief Executive Officer considers that more than 28 working days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 28 working days are required. As a benchmark, New Era Institute should attempt to resolve appeals as soon as possible for the benefit of the student.

- New Era Institute shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. New Era Institute representatives are not allowed to disclose information to any person without the permission of New Era Institute Chief Executive Officer. A decision to release information to third parties can only be made after the appellant has given permission for this release to occur. This permission should be given using the Information Release Form. This form will be given to the student to complete when New Era Institute wishes to share information to a third party. This form will be scanned and stored electronically by Student Services in the individualised student file on the server. The hard copy is stored in the student file management room.

New Era Institute is required by law to make student information available to Government agencies such as the National Centre for Vocational Education and Research or the Department of Immigration and Border Protection, the Tuition Protection Service, the Australian Skills Quality Authority. New Era Institute is not required to seek a release information form from the student when the above government agencies request information.

- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link:

http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf

Third Party Review

Where the appellant is not satisfied with the handling of the matter by New Era Institute, they have the opportunity for a body or person that is independent of New Era Institute to review his or her appeal following the internal completion of appeals

handling process. In these circumstances the New Era Institute Chief Executive Officer will advise of an appropriate party independent of New Era Institute to review the appeal outcome (and its subsequent handling) and provide advice to New Era Institute in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations **within fourteen (14) working days** of their review being requested. This advice is to be accepted by New Era Institute as final, advised to the appellant in writing and implemented without prejudice.

Where the New Era Institute appoints or engages an appropriate independent person to review an appeal, the New Era Institute will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation they nominate to undertake the review, the New Era Institute may seek the person seeking an appeal to contribute to the cost of engaging this person to undertake the review. This is advised to the person seeking an appeal within the Student Handbook.

Unresolved Appeals

Where the appellant remains not satisfied with the outcome of the appeals handling procedure, the appellant is to be directed to the following external agencies:

- In relation to consumer protection issues, these may be referred to the **Office of Fair Trading** via the following phone number: 13 32 20.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is provided to students through the Student Handbook. It is expected that the above agencies will investigate the person's concerns and contact the New Era Institute for information.

International Student Appeals

Where an international student appeal is unable to be resolved, the matter may be referred to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman:

- investigates complaints about problems that overseas students have with private education and training in Australia
- provides information about best practice complaints handling to help private education providers manage internal complaints effectively

- considers, free of charge, external appeals under Standard 8 of the National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students

Please find more information on the OSO website:

<http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page>

New Era Institute is to co-operate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman. New Era Institute considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within New Era Institute internal arrangements.

The New Era Institute is to cooperate fully with agencies such as the National Training Complaints Service that may investigate the handling of an appeal. New Era Institute considers that it would be extremely unlikely that appeals are not able to be resolved quickly within New Era Institute internal arrangements.

Appeals Handling Procedure

The following procedure is to be followed when an application to appeal a decision is received:

- An application to appeal a decision is received by New Era Institute and is to be immediately recorded into New Era Institute Complaints and Appeals Register. An application to appeal a decision must be submitted in writing. Appeals must be lodged within **twenty (20) working days** of the decision or finding being informed to the person.
- The application to appeal a decision is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with the appellant, with others within New Era Institute or relevant agencies external to New Era Institute in determining their recommendations.
- The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy or legislation.
- The Chief Executive Officer is to commence their review of an appeal within **ten (10) working days** from the date the appeal being submitted.
- The Chief Executive Officer is to respond to the appellant and provide the appellant a response in writing as soon as possible but no later than **fifteen (15) working days** from when the appeal was submitted.

- The Chief Executive Officer is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are not to be provided to the appellant via any third-party or via electronic communication such as e-mail. The Chief Executive Officer is to seek feedback from the appellant about their level of satisfaction with the appeal outcome and advise the appellant of their options if they are not completely satisfied with the outcome.
- Appeals should be resolved to a final outcome within **twenty eight (28) working days** of the appeal being initially received. Where New Era Institute Chief Executive Officer considers that more than 28 working days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 28 working days are required. As a benchmark, New Era Institute should attempt to resolve appeals as soon as possible for the benefit of the student.
- Where the appellant is not satisfied with the outcome of the complaint handling, the Chief Executive Officer is to arrange for the appeal to be considered by an appropriate independent third-party. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested.
- Where the appeal is in relation to an assessment decision, a reassessment should be recommended (The Chief Executive has the discretion to waive the reassessment fee). Students participating in a reassessment should be provided with detail counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Reassessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The reassessment must be undertaken by a different assessor than was used during the initial assessment. Following the reassessment, the student must be provided with detailed feedback about their performance and the outcome.
- An appellant who remains not satisfied with the process applied by New Era Institute may refer the matter to the Office of Fair Trading via the following phone number: 13 32 20 (in relation to consumer protection matters) or National Training Complaints Service via the following phone number: 13 38 73.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and submitted for the next Management Team meeting. The Chief Executive Officer may, at their discretion, follow-up with the appellant after consideration by the Management Team to inform the appellant of the improvement actions identified.

- The Complaints and Appeals Register on RTO data is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved. Complaints and appeals which are open or subject to ongoing consideration are discussed at the management meeting as detailed within the agenda.



Appeal Handling Process

