

# Complaints and Appeals Policy

**Effective Date:** 1 July 2025

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## 1. Purpose

- 1.1 This policy ensures that Learners at FIT College have access to a clear, fair, and timely process for making a complaint about their training experience or appealing a decision made by FIT College (or a third party acting on its behalf) that adversely affects them.
  - 1.2 This policy complies with the *National Vocational Education and Training Regulator Act 2011* (Cth) (**NVETR Act**), the *National Vocational Education and Training Regulator (Outcome Standards for NVR Registered Training Organisations) Instrument 2025 (Outcome Standards)*, specifically Standards 2.7 and 2.8, the *National Vocational Education and Training Regulator (Compliance Standards for NVR Registered Training Organisations and Fit and Proper Person Requirements) Instrument 2025 (Compliance Requirements)*, the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**), and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth) (**National Code**), particularly Standard 10. Furthermore, this policy adheres to relevant Australian legislation, including but not limited to the *Privacy Act 1988* (Cth), the *Disability Discrimination Act 1992* (Cth), and the *Competition and Consumer Act 2010* (Cth) (**Australian Consumer Law**).
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## 2. Scope

- 2.1 This policy applies to:
  - (a) all current and prospective Learners (both domestic and international) enrolled in or applying for any training product offered by FIT College.
  - (b) all FIT College staff, trainers, assessors, and any Third Parties (including Education Agents) involved in providing services on behalf of FIT College.
- 2.2 It covers:
  - (a) Complaints about the Training Experience, including:
    - (i) marketing and pre-enrolment information.
    - (ii) enrolment processes and suitability assessments.
    - (iii) the quality of training delivery and assessment processes (including Assessment Judgements).
    - (iv) training Support Services and Wellbeing Support Services.
    - (v) administrative services, facilities, resources, and equipment.
    - (vi) interactions with FIT College staff, trainers, assessors, other Learners, or Third Parties acting on behalf of FIT College (including Education Agents and allegations of discrimination, harassment, or bullying).
  - (b) Appeals against decisions made by FIT College or a Third Party that adversely affect Learners, including:
    - (i) assessment outcomes (including RPL and Credit Transfer applications).

- (ii) enrolment or re-enrolment.
- (iii) deferral, suspension, or cancellation of enrolment.
- (iv) disciplinary actions taken under the Student Code of Conduct.
- (v) academic progression.
- (vi) course content, delivery, resource availability, or timetabling.
- (vii) course expiry or suspension.

### 2.3 Exclusions:

- (a) General feedback not requesting specific resolution or action.
- (b) Matters that have already been addressed in prior complaints or appeals.
- (c) Disagreements with FIT College's contractual terms or policies unless misapplied.
- (d) Issues unrelated to the Training Experience or matters outside FIT College's direct control (unless involving a Third Party acting on its behalf).
- (e) Submissions deemed Frivolous, Vexatious, or Lacking Merit. Such submissions will be screened and may be returned to the Learner with guidance for resubmission if appropriate, as per clause 5.3.1(e).

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## 3. Principles

This policy is guided by the following principles:

### *Procedural Fairness*

- 3.1 Complaints and appeals will be handled impartially. Decisions will be made by individuals who were not involved in the original issue or decision and who do not have a Conflict of Interest. All parties will have an opportunity to present their case.

### *Confidentiality*

- 3.2 Personal information and the details of complaints or appeals will be handled with discretion and in accordance with the *Privacy Act 1988* (Cth). Information will only be shared with those directly involved in resolving the matter or as required by law.

### *Timeliness*

- 3.3 Complaints and appeals will be addressed as promptly as possible, prioritising by urgency and complexity. FIT College aims to meet the timeframes outlined in this policy and will keep Learners informed of progress and any expected delays.

### *Accessibility*

- 3.4 This policy and its processes are free of charge, publicised, and easy for Learners to access and understand. Information is provided on FIT College's website, in the Learner Handbook, and during orientation. Support will be provided if Learners face barriers, such as language or disability, in accessing or using this process. This may include providing information in alternative formats or arranging for interpreter services where appropriate and reasonably practicable.

#### *Consistency*

- 3.5 FIT College strives to handle similar complaints and appeals in a consistent manner to ensure fair outcomes for all Learners.

#### *No Detriment*

- 3.6 Learners will not be disadvantaged or treated unfairly in any way for making a complaint or lodging an appeal in good faith.

#### *Continuous Improvement*

- 3.7 Outcomes and feedback from complaints and appeals will be used to identify areas for improvement in training, assessment, support services, and overall operations.

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## 4. Definitions

**Appellant:** A Learner lodging an appeal against a decision.

**Assessment Judgement:** A determination of whether competency has been achieved by a VET student consistent with the training product and the Outcome Standards

**Complainant:** A Learner lodging a complaint.

**Complaint:** A formal expression of dissatisfaction with FIT College's services or operations.

**Conflict of Interest:** A situation where a person's private interests (professional, personal, or financial) could improperly influence, or be perceived to improperly influence, their decisions or actions in their official capacity.

**Credit Transfer:** An administrative process recognising prior completion of an equivalent unit or module.

#### **Day:**

- **Working Day:** Monday to Friday, excluding Queensland public holidays.
- **Calendar Day:** Any day of the week, including weekends and public holidays.

**Education Agent:** A person or organisation, in Australia or overseas, who recruits international students and refers them to education providers.

**Frivolous:** Lacking seriousness or proper purpose, often wasting resources.

**Governing Persons:** Individuals overseeing FIT College's operations, including executive officers.

**International Student:** A Learner enrolled under FIT College's CRICOS registration, holding a student visa under the *Migration Act 1958* (Cth).

**Lacking Merit:** Without sufficient evidence or substance.

**Learner:** A person enrolled in a FIT College training product.

**Learner Action Request (LAR):** A form on the Learner Portal for submitting complaints or appeals.

**Learner Handbook:** A document detailing FIT College policies and Learner rights.

**Learner Portal:** FIT College's online platform for Learner services.

**PRISMS:** Provider Registration and International Student Management System.

**Procedural Fairness (Natural Justice):** Ensuring that decision-making processes are fair and reasonable. This includes the right to be heard, the right to an unbiased decision-maker, and the right to have a decision based on relevant evidence.

**Reasonable Adjustments:** Adjustments for Learners with disabilities, per *Disability Standards for Education 2005* (Cth) and Diversity and Inclusivity Policy.

**Recognition of Prior Learning (RPL):** An assessment process evaluating prior learning against training product requirements.

**Standards:** National Vocational Education and Training Regulator (Outcome Standards) Instrument 2025.

**Third Party:** An entity delivering training, assessment, or support services on behalf of FIT College, excluding employees.

**Training Experience:** All elements of a Learner's educational journey, including support services, facilities, resources, and administrative processes.

**Training Support Services:** Services to support Learners in meeting training product requirements.

**Vexatious:** Intentionally harassing or burdensome.

**Wellbeing Support Services:** Services supporting Learners' physical, mental, and emotional wellbeing.

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## 5. Policy and Procedure

### 5.1 Information and Access to this Policy

- (a) FIT College ensures that all Learners and prospective Learners are informed about this Complaints and Appeals Policy and associated procedures prior to enrolment.
- (b) This policy is publicly available on the FIT College website and included in the Enrolment Contract.
- (c) Information about this policy will be provided prior to enrolment and during orientation sessions.
- (d) Support will be offered to Learners who may face barriers (e.g., language, disability, digital literacy) in understanding or accessing this policy and its processes. This may include providing information in alternative formats or arranging for interpreter services where appropriate and reasonably practicable.

### 5.2 Informal Resolution

- (a) Before lodging a formal complaint or appeal, Learners are encouraged to try and resolve the matter informally.
- (b) For complaints, Learners should discuss their concerns directly with the person involved (e.g., their trainer, an administrative staff member) or with Student Services within 5 calendar days of the issue arising.
- (c) For appeals against a decision, Learners should discuss the decision with the staff member who made it or with Student Services within 5 calendar days of receiving the decision.

- (d) Many issues can be resolved quickly and effectively at this stage.
- (e) If informal resolution is attempted, Learners should keep a record of who they spoke to, when, and what was discussed or agreed. Outcomes of informal resolution attempts should be recorded by staff in the Learner Portal where appropriate.
- (f) If the matter is not resolved to a Learner's satisfaction through informal means, or if they feel uncomfortable approaching the person directly, they may proceed to the formal process

### 5.3 Formal Complaints Procedure

#### 5.3.1 Submission of a Formal Complaint:

- (a) If informal resolution is unsuccessful or inappropriate, a formal complaint must be submitted by completing a Learner Action Request (LAR) form available on the Learner Portal.
- (b) The LAR must be submitted within 10 working days of the incident or issue occurring, or within 10 working days of the conclusion of the informal resolution attempt.
- (c) The LAR must clearly state:
  - (i) The Learner's full name and Learner ID.
  - (ii) The Learner's contact details.
  - (iii) A clear description of the complaint (what happened, when, who was involved).
  - (iv) Any steps already taken to resolve the complaint informally.
  - (v) The outcome sought.
  - (vi) Copies of any relevant supporting evidence (e.g., emails, photos, assessment feedback, witness statements if applicable). Evidence must be verifiable.

#### *Accessibility*

- (d) If a Learner has difficulty submitting the LAR via the Learner Portal due to a disability or other accessibility issue, Student Services should be contacted at [StudentServices@fitcollege.edu.au](mailto:StudentServices@fitcollege.edu.au) or by phone to arrange an alternative submission method.
- (e) Screening of Submissions:
  - (i) Incomplete LARs may be returned to the Learner for further information.
  - (ii) LARs deemed Frivolous, Vexatious, or Lacking Merit after initial screening by the Student Services Manager (or delegate) may be returned to the Learner within 2 working days with reasons and, if appropriate, guidance for resubmission within 3 calendar days.
  - (iii) Verbal complaints will not be accepted for the formal process; they must be documented in an LAR.

#### *Use of AI Tools*

- (f) Learners must not share confidential FIT College information or personal information of others with external Artificial Intelligence (AI) tools when preparing a complaint. Breaches of this may lead to

disciplinary action under the Student Code of Conduct, but will not automatically invalidate the complaint if it otherwise meets submission requirements.

#### 5.3.2 Acknowledgement and Assignment:

- (a) Student Services will acknowledge receipt of the formal complaint via email within 2 working days.
- (b) The complaint will be assigned to an appropriate, unbiased FIT College staff member for investigation (e.g., Student Services Manager for enrolment issues, Education Manager for assessment issues, Human Resources Manager for staff conduct issues). This person will have no prior involvement in the matter and no Conflict of Interest.
- (c) The acknowledgement email will inform the Learner who has been assigned to investigate the complaint and the expected next steps.

#### 5.3.3 Investigation and Resolution:

- (a) The assigned investigator will commence assessment of the complaint within 10 working days of the formal complaint being lodged. This involves reviewing the submission and evidence, and may include:
  - (i) Interviewing the Learner (a support person may be present).
  - (ii) Interviewing any FIT College staff or other parties involved.
  - (iii) Reviewing relevant documents, records, and policies.
- (b) All parties involved will be afforded Procedural Fairness and an opportunity to respond to any allegations or information relevant to the complaint.
- (c) The investigation will be conducted in a professional, fair, and transparent manner.

#### 5.3.4 Outcome of Complaint:

- (a) The Learner will be provided with a written outcome of the complaint, including:
  - (i) A summary of the complaint and the investigation findings.
  - (ii) The decision made.
  - (iii) Detailed reasons for the decision.
  - (iv) Any actions FIT College will take as a result of the complaint.
  - (v) Information about the right to appeal the decision if not satisfied (see Section 5.4).
- (b) Outcomes will be communicated consistently, referencing past resolutions for similar issues where appropriate to ensure fairness.
- (c) A record of the complaint, investigation, and outcome will be stored confidentially in the Learner Portal and FIT College's records management system.

#### 5.3.5 Timelines for Complaints:

- (a) Acknowledgement: Within 2 working days of formal submission.
- (b) Commencement of Assessment: Within 10 working days of formal submission.

- (c) Target Resolution:
  - (i) For International Students: Within 20 working days from the date of formal submission.
  - (ii) For Domestic Students: Within 28 calendar days from the date of formal submission.
- (d) If, due to complexity or other factors, the complaint cannot be resolved within these timeframes, the Learner will be notified in writing of the reasons for the delay and provided with a revised timeframe for resolution.

## 5.4 Appeals Procedure

### 5.4.1 Grounds for Appeal:

- (a) A Learner may appeal a decision made by FIT College if there is a belief that:
  - (i) The correct policy or procedure was not followed.
  - (ii) The decision was not supported by evidence.
  - (iii) New and substantial evidence has become available that was not reasonably available when the original decision was made.
  - (iv) The decision was biased or affected by a Conflict of Interest.
  - (v) The sanction or outcome imposed was disproportionate to the matter.
- (b) An appeal is a review of the original decision-making process, not usually a re-hearing of the original matter, unless the Appeal Panel determines otherwise.

### 5.4.2 Submission of a Formal Appeal:

- (a) If a Learner wishes to appeal a decision (including the outcome of a formal complaint), a formal appeal must be submitted by completing a Learner Action Request (LAR) form available on the Learner Portal.
- (b) The LAR must be submitted within 10 working days of being formally notified of the decision to be appealed.
- (c) The LAR should clearly state:
  - (i) The Learner's full name and Learner ID.
  - (ii) The Learner's contact details.
  - (iii) Clear details of the decision being appealed.
  - (iv) The specific grounds for the appeal (see 5.4.1).
  - (v) The outcome sought.
  - (vi) Copies of any relevant supporting evidence (e.g., the original decision letter, new evidence). Evidence must be verifiable.

- (d) Accessibility and Screening: The same provisions for accessibility, screening of submissions (incomplete, Frivolous, Vexatious, Lacking Merit), and use of AI tools apply as per the Formal Complaints Procedure (clauses 5.3.1(d), (e), (f)).

#### 5.4.3 Acknowledgement and Review Assignment:

- (a) Student Services will acknowledge receipt of the formal appeal via email within 2 working days.
- (b) The appeal will be assigned to an appropriate unbiased manager (e.g., Curriculum Development Manager for assessment appeals, Operations Manager for other appeals) for initial review of its validity and grounds. This person will have no prior significant involvement in the original decision.
- (c) The acknowledgement email will confirm if the appeal meets the grounds for review or if it is rejected, with reasons.

#### 5.4.4 Appeal Panel and Hearing (if applicable):

- (a) If the appeal is accepted for review, an Appeal Panel will be convened by the Operations Manager, CEO, or General Counsel within 7 working days of the appeal being accepted.
- (b) The Appeal Panel will consist of at least two unbiased senior staff members or Governing Persons who were not involved in the original decision or complaint investigation and have no Conflict of Interest.
- (c) The Appeal Panel will review all submitted documentation from the Learner and from the original decision-maker.
- (d) The Appeal Panel may decide the appeal based on the submitted papers or may decide to conduct a hearing. If a hearing is held, the Learner will be invited to attend and may be accompanied by a support person. The Learner will be given an opportunity to formally present their case.

#### 5.4.5 Decision of Appeal Panel:

- (a) The Appeal Panel will make a decision within 15 working days of the review commencing (either from the date the panel convenes or the date of the hearing, if held).
- (b) The Learner will be provided with a written statement of the outcome of their appeal, including:
  - (i) The decision made by the Appeal Panel (e.g., uphold the original decision, overturn the original decision, vary the original decision, recommend reassessment).
  - (ii) Detailed reasons for the Appeal Panel's decision.
  - (iii) Any actions FIT College will take as a result of the appeal.
- (c) A record of the appeal, review process, and outcome will be stored confidentially in the Learner Portal and FIT College's records management system.

#### 5.4.6 Timelines for Appeals:

- (a) Acknowledgement: Within 2 working days of formal submission.
- (b) Appeal Panel Review Commences: Within 7 working days of appeal acceptance.
- (c) Appeal Panel Decision: Within 15 working days of review commencement.
- (d) Target Total Resolution: Within 60 calendar days from the date of formal appeal submission.

- (e) If, due to complexity or other factors, the appeal cannot be resolved within this timeframe, the Learner will be notified in writing of the reasons for the delay and provided with a revised timeframe for resolution.

### 5.5 External Review Options

- (a) If a Learner is not satisfied with the outcome of FIT College's internal complaints or appeals process, they have the right to access an external complaints handling and appeals process at minimal or no cost.
- (b) FIT College will advise Learners in writing of their right to access external review options, including relevant contact details, within 10 working days of concluding the internal review (i.e., from the date the Learner is notified of the final internal appeal decision).
- (c) External review options include:
  - (i) For domestic students: The National Training Complaints Hotline (Phone: 13 38 73).
  - (ii) For International Students: The Commonwealth Ombudsman (Phone: 1300 362 072, website: ombudsman.gov.au). The Commonwealth Ombudsman offers a free and independent service.
  - (iii) In some cases, arbitration as per the terms of the Enrolment Contract may be an option, at minimal or no cost to the Learner.
- (d) This policy does not remove a Learner's right to take action under Australia's consumer protection laws.

### 5.6 Implementation of Decisions

- (a) If any internal or external complaints handling or appeal process results in a decision or recommendation in a Learner's favour, FIT College will immediately implement the decision or recommendation and/or take the required preventive or corrective action.
- (b) FIT College will advise the Learner in writing of the specific action taken.

### 5.7 International Students – Specific Provisions

#### *Enrolment Status*

- (a) A Learner's enrolment with FIT College will be maintained throughout the internal complaints and appeals process, unless their health or wellbeing, or the wellbeing of others, is likely to be at risk.

#### *Support Services*

- (b) FIT College will provide access to appropriate support services to assist Learners during the complaints and appeals process. This may include referral to interpreters or advice on visa implications. Learners can contact Student Services at [StudentServices@fitcollege.edu.au](mailto:StudentServices@fitcollege.edu.au) for assistance.

#### *Visa Implications*

- (c) FIT College will explain any potential implications for a Learner's student visa in writing, particularly if the complaint or appeal relates to course progress or attendance. Necessary notifications to the Department of Home Affairs via PRISMS will be made as required by the ESOS Act and National Code.

### *Communication*

- (d) All outcomes and significant communications will be provided to Learners in plain English. If translation support is required to understand the outcome, Student Services should be informed.

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## 6. Responsibilities

### 6.1 Learners are responsible for:

- (a) Familiarising themselves with this Complaints and Appeals Policy.
- (b) Attempting informal resolution where appropriate and safe to do so.
- (c) Lodging formal complaints or appeals within the specified timeframes, providing accurate and complete information and supporting evidence.
- (d) Cooperating with FIT College staff during the investigation or review process.
- (e) Conducting themselves in a respectful manner throughout the process.
- (f) Maintaining the confidentiality of information shared during the process, where appropriate.

### 6.2 FIT College Governing Persons are responsible for:

- (a) Overseeing the implementation, effectiveness, and regular review of this policy.
- (b) Ensuring adequate resources are allocated for the fair and timely management of complaints and appeals.
- (c) Championing a culture that respects Learner feedback and is committed to Procedural Fairness and Continuous Improvement.
- (d) Participating in Appeal Panels as required, ensuring unbiased and evidence-based decision-making.

### 6.3 FIT College Student Services Manager (or delegate) is responsible for:

- (a) Being the primary point of contact for Learners regarding complaints and appeals.
- (b) Providing information and guidance to Learners about this policy and procedures.
- (c) Receiving, acknowledging, screening, and assigning formal complaints and appeals.
- (d) Ensuring administrative processes are followed efficiently and records are maintained accurately.
- (e) Investigating certain types of complaints or assigning them to appropriate managers.
- (f) Monitoring compliance with policy timelines.

### 6.4 FIT College Managers (e.g., Education Manager, Curriculum Development Manager, Human Resources Manager, Operations Manager) are responsible for:

- (a) Investigating assigned complaints or reviewing appeals impartially and thoroughly.
- (b) Ensuring Procedural Fairness is afforded to all parties.

- (c) Making evidence-based decisions and providing clear written reasons.
- (d) Implementing agreed actions and contributing to Continuous Improvement.
- (e) Convening and participating in Appeal Panels as required.

6.5 **FIT College Trainers and Assessors are responsible for:**

- (a) Being aware of this policy and directing Learners to it when appropriate.
- (b) Participating constructively in informal resolution attempts.
- (c) Providing information and cooperating with investigations or appeal reviews when required.
- (d) Implementing any changes to practice resulting from complaint or appeal outcomes.

## 7. FAQs

7.1 **Q: What can Learners complain about?**

**A:** This policy covers complaints about various aspects of a Learner's Training Experience, including marketing, enrolment, quality of training and assessment, support services, administrative services, and interactions with staff or Third Parties, including allegations of discrimination, harassment, or bullying.

7.2 **Q: What decisions can Learners appeal?**

**A:** Learners can appeal decisions that adversely affect them, such as assessment outcomes, enrolment decisions, deferral/suspension/cancellation, disciplinary actions, and academic progression.

7.3 **Q: How does a Learner lodge a formal complaint or appeal?**

**A:** Formal complaints or appeals are submitted by completing a Learner Action Request (LAR) form available on the Learner Portal. Specific timelines and required information are detailed in Clauses 5.3.1 and 5.4.2.

7.4 **Q: What are the timeframes for resolving complaints and appeals?**

**A:** Formal complaints are targeted for resolution within 20 working days for International Students and 28 calendar days for Domestic Students. Formal appeals aim for a total resolution within 60 calendar days from formal submission.

7.5 **Q: Is information shared during the process kept confidential?**

**A:** Yes, personal information and details of complaints or appeals are handled with discretion and in accordance with the Privacy Act 1988 (Cth). Information is shared only with those directly involved or as required by law.

7.6 **Q: What if a Learner is not satisfied with the internal outcome?**

**A:** If not satisfied with the internal resolution, Learners have the right to access external complaints handling and appeals processes at minimal or no cost. Details for external options, such as the National Training Complaints Hotline for domestic students and the Commonwealth Ombudsman for international students, are provided.

## 8. Continuous Improvement

- 8.1 FIT College is committed to using the information and outcomes from complaints and appeals to drive continuous improvement across all aspects of its operations.

- 8.2 The Student Services Manager (or delegate) will periodically analyse complaints and appeals data to identify trends, systemic issues, and opportunities for improvement in training and assessment, student support services, policies, and procedures.
- 8.3 This analysis will be reported to Governing Persons and relevant managers.
- 8.4 Actions taken to address identified issues will be documented in FIT College’s Continuous Improvement Register.
- 8.5 Compliance with policy timeframes and the overall effectiveness of the complaints and appeals process will be monitored through internal audits and reviews.
- 8.6 This policy will be reviewed at least annually, or more frequently if required due to legislative changes or feedback, incorporating feedback from Learners, staff, and other stakeholders.

## 9. Related Documents

This policy should be read in conjunction with other relevant FIT College policies and documents, including but not limited to:

- Learner Handbook
- Enrolment Contract
- Enrolment Policy
- Information Policy
- Training and Assessment Policy
- Recognition of Prior Learning (RPL) and Credit Transfer Policy
- Student Support, Diversity, and Wellbeing Policy
- Deferral, Suspension, and Cancellation Policy
- Student Code of Conduct Policy
- Refund Policy
- Data and Records Management Policy
- Continuous Improvement Policy
- VET Workforce Management Policy
- International Student Handbook (if applicable)

## 10. Document Control

Version	Date	Change Description	Author
1.0	06/07/2017	Policy Generated	RTO Manager
1.1	02/05/2018	Policy Updated	RTO Manager
1.2	13/02/2020	Policy Updated	HR Officer
1.3	21/09/2021	Policy Reviewed	Education Manager
1.4	July 2024	Policy Reviewed	HR & Education
1.5	Feb 2025	Policy Reviewed & Updated	Compliance Manager
2.0	01/07/2025	Redrafted for 2025 Standards and CRICOS	Compliance Manager

