

## 1. Purpose

This Policy governs the procedures relating to complaints and appeals.

## 2. Application

This Policy applies to all ICAN Learn staff and students.

## 3. Review

This Policy is reviewed annually and as needed along with the Complaints and Appeals Procedure and related VET Student Loan (VSL) Regulation.

## 4. Definitions

4.1 A **complaint** may be about

4.1.1 staff conduct,

4.1.2 services,

4.1.3 resources; and

4.1.4 application of processes [including Vet Student Loans]

A person lodging a complaint is known as the Complainant

4.2 An **appeal** may be related to

4.2.1 an assessment approach and / or

4.2.2 an assessment decision; or

4.2.3 a reviewed decision as outlined in the VSL Act.

A person making an appeal is known as the Appellant

## 5. Policy

ICAN Learn responds to and manages all complaints and appeals in accordance with the principles of natural justice and procedural fairness.

### 5.1 Complaints

Students, staff or industry partners may submit a complaint to ICAN Learn using informal or formal processes.

5.1.1 All ICAN Learn staff understand the policy and procedure for complaints and appeals and can direct the complainant to the appropriate person or process.

5.1.2 Natural justice includes informal and formal processes.

#### **Informal complaint**

May include:

5.1.3 a conversation; and / or

5.1.4 a written letter; and / or

5.1.5 an email / text,

that identifies a challenge that can be resolved and is not identified as a complaint.

5.1.6 If the informal process does not clarify and resolve the issue, it becomes a formal complaint. ICAN Learn assists the student to understand their complaint and provides advice about the rights of the student in relation to the complaint.

5.1.7 The student may obtain external support during the period of their complaint.

5.1.8 Complaints are confidential with only related parties being brought in as necessary.

### **Formal complaint**

5.1.9 A formal process includes the identification of the issue as a complaint by the complainant (this should be in writing- e.g. letter, text, email).

5.1.10 A written complaint could be in the form of a hard copy letter, email or text.

5.1.11 A complainant is advised to provide any form of written complaint as an email as per 5.1.12

5.1.12 ICAN Learn receives written complaints by email to [complaints@icanlearn.edu.au](mailto:complaints@icanlearn.edu.au).

5.1.13 Should any staff member receive any email or text that indicates a complaint, they must refer the complainant to [complaints@icanlearn.edu.au](mailto:complaints@icanlearn.edu.au).

## 5.2 **Appeal**

An appeal requests a review of a decision about a complaint, an assessment decision or a reviewed decision<sup>1</sup>.

5.2.1 Appeals can be varying in nature and can include:

5.2.2 Assessment decisions [as this relates to fairness, reasonableness, validity and authenticity etc.]

5.2.3 Manner in which assessments are conducted.

5.2.4 Unreasonable expectations in terms of time frames for Learning and / or Assessment.

5.2.5 Course withdrawal [process or basis on which withdrawal is decided].

5.2.6 Reviewable VSL decisions.

5.2.7 Appeals are a specific form of complaint.<sup>2</sup>

5.2.8 ICAN Learn only receives appeal requests by email to [appeals@icanlearn.edu.au](mailto:appeals@icanlearn.edu.au).

5.2.9 An appeal must be identified as an appeal and must be in writing. If the appeal relates to an assessment decision, the student must complete the Assessment Appeal Form and submit it to [appeals@icanlearn.edu.au](mailto:appeals@icanlearn.edu.au).

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<sup>1</sup> VSL Act 2016

<sup>2</sup> Complaints and Appeals Procedure

- 5.2.10 Should any staff member receive any email or text that indicates an appeal to an assessment or related decision, they must refer the complainant to the Assessment Appeal Form and advise to send the appeal to [appeals@icanlearn.edu.au](mailto:appeals@icanlearn.edu.au).

### 5.3 General information

- 5.3.1 The Complaints and Appeals Policy is publicly available on the ICAN Learn website and course applicants and enrolled students are regularly reminded about the location of policies, procedures and resources.
- 5.3.2 All complaints, appeals, and related actions and outcomes are identified in the Complaints & Appeals Register<sup>3</sup>.
- 5.3.3 ICAN Learn notifies its staff of any complaints or appeals using the appropriate meeting forum.
- 5.3.4 All complaints and appeals are responded to within 5 business days.
- 5.3.5 Ways to rectify the complaint/appeal are identified and this process is used as an opportunity to prevent future complaints/appeals. This is part of the Continuous Improvement Process and any improvements are logged in the Continuous Improvement Register.<sup>4</sup>
- 5.3.6 In the event of a complainant / appellant advising ICAN Learn that they are dissatisfied with the proposed solution for a formal complaint or appeal, the ICAN Learn Executive Officer [or delegate] provides an opportunity to obtain a solution using external processes which could include external mediation or Employee Assistance Program (EAP) in the case of staff. This is undertaken by sourcing a reputable mediator to assist with complaints resolution.
- 5.3.7 In the case of a student with a VSL who has a complaint about the VSL process or ICAN Learn conduct relating to the VSL, the complainant is entitled to an External Dispute Resolution [EDR] mechanism that can investigate a complaint about the VSL (section 8 of this policy).

### 5.4 Complaints / appeals about VSL

- 5.4.1 ICAN Learn supports students to resolve complaints informally and provides information to students about their rights to make a complaint about VSL matters which includes their right to have external support during this process should they so desire.
- 5.4.2 A student who has a complaint about an aspect of their VSL that relates to actions undertaken by ICAN Learn should initially seek resolution to their complaint by lodging a formal written complaint to ICAN Learn<sup>5</sup>.
- 5.4.3 Resources and time are given to the student to assist them to articulate their complaint so that it can be addressed prior to the complaint becoming formal.

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<sup>3</sup> Standards for RTOs 2015

<sup>4</sup> Continuous Improvement Policy and Procedure

<sup>5</sup> Complaints and Appeals Procedure

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- 5.4.4 Formal complaints received regarding ICAN Learn conduct in relation to a student's VSL must be in writing.
- 5.4.5 All complaints received regarding ICAN Learn conduct in relation to a student's VSL is recorded in the Complaints Register.
- 5.4.6 Complaints about VSL are investigated by the designated review officer and students are given advice about their rights and the processes that need to be followed.<sup>6</sup>
- 5.4.7 In the event that ICAN Learn does not act with due diligence or acts unconscionably, the student can make a complaint to the Secretary of the Department of Education, Skills and Employment [DESE] <sup>7</sup>
- 5.4.8 The student who has a VSL and is not satisfied with a complaint or appeal decision can apply for a formal review of that decision . ICAN Learn appoints a review decision maker to undertake this process
- 5.4.9 A student may seek resolution through lodging a complaint to the [VET Student Loan Ombudsman](#). This is the external phase of complaint resolution.  
The VET Student Loans Ombudsman can investigate and make recommendations relating to disputes about VSL but does not replace the provider's obligation review reviewable decisions<sup>8</sup>.
- 5.4.10 If the student is not satisfied with a reviewed decision, the student can take the matter to the Administrative Appeals Tribunal [AAT] for a review.
- 5.4.11 There is a cost for lodging an AAT appeal. <https://www.aat.gov.au/>

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<sup>6</sup> Re-crediting Policy and Procedure

<sup>7</sup> Re-crediting Policy and Procedure

<sup>8</sup> VSL Act 2016