

PP11

Complaints and Appeals Policy and Procedure

PURPOSE

This policy outlines Southern Cross Education Institute's commitment to ensuring that students and clients feel comfortable and supported in raising issues of a serious nature, having them addressed in a timely manner, and in a way that applies the principles of natural justice and ensures all parties are dealt with fairly and objectively.

This policy and procedure set out the process for the management of complaints and appeals raised by

- all students
- former students who make complaints within the specified timeframe
- prospective students whose complaint relates to administrative process(es) during application, selection, or admission

SCOPE

This policy and procedure apply to all students (current and prospective) at Southern Cross Education Institute and staff involved in the management of complaints and appeals. The policy relates to issues such as

- enrolment outcomes: teaching; course delivery; teaching facilities and learning resources; the curriculum and courses; the process of assessment and assessment tasks, tuition fee matters.

DEFINITIONS

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| Appeal | Is a process where the dissatisfied/unreasonable outcome of the complaint/ grievance/any part of service provided by SCEI are reviewed by SCEI/external bodies, upon the appellant's request to a formal change/reverse/reconsideration to an official decision/outcome. |
| Appellant | The person(s) lodging an appeal to the outcome of a complaint or grievance or academic decisions |
| Complainant | The person(s) lodging the complaint or grievance |
| Complaint | An expression of an issue, resentment or displeasure about a service or product. This will be a cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that a non-academic decision and/or action, or the behaviour of another student or staff member associated with academic matters, is unfair and/or unreasonable. |

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| | Written or verbal notification of dissatisfaction with any part of the services provided by Southern Cross Education Institute |
| Grievance | A complaint of a behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their studies |
| Respondent | The person(s) against whom the complaint or grievance has been made |
| Informal Resolution | If a person wishes to lodge a complaint/grievance it is recommended the matter is first discussed directly with the respondent. Informal grievance resolution often proves to be quick and effective when a person is encouraged to resolve the matter. |
| International student | A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations |
| National Code | The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 |
| The Act | VET Student Loans Act 2016 |
| FEE-HELP | a Commonwealth Government loan scheme helping eligible students to defer paying fees for undergraduate and postgraduate units. |
| VET Student Loans | an income contingent loan scheme for the Vocational Education and Training (VET) sector that is part of the Higher Education Loan Program (HELP). VET Student Loans is an extension of FEE-HELP. |
| Tuition Fees | Fees paid for a VET Unit of Study that is: <ul style="list-style-type: none"> fully funded by the student or approved for VET Student Loans and applies to students who are, or would be entitled to VET Student Loans assistance under clause 43 of Schedule 1A of the Act. |
| SCEI | Southern Cross Education Institute |

| POLICY | |
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| 1. | SCEI is committed to providing effective, timely, fair, and confidential complaint and appeals handling processes for all students. |
| 2. | Any complaint of an alleged criminal nature will be reported to the Police or other relevant authority. |
| 3. | SCEI will ensure that any complainant will have access to support and advice from Student Support Services staff and will allow a third-party support person to be present at any relevant meeting. |
| 4. | Where possible, all informal attempts should be made to resolve the complaint in the first instance. This may include advice, discussions, and general mediation in relation to the adverse event and the nature of the complaint. |
| 5. | Throughout the complaint/grievance procedure, SCEI will not: |

5.1. charge students or prospective students any fees in relation to the complaint/grievances processes

5.2. neither victimise or discriminate against any complainant or respondent

6. Student complaints process

6.1. SCEI strives to resolve complaints as close as possible to where the complaint arose and with the people most directly involved. If a complaint cannot be resolved directly with the staff member or area responsible, the student has an option to escalate the complaint. The escalation process has three (3) stages:

6.1.1. **Complaint stage 1:** Informal, direct complaint raised directly with the staff member or area responsible for the decision or service related to the complaint.

6.1.2. **Complaint stage 2:** Formal investigation by nominated case officers and complaints officers who have not had previous involvement with the complaint.

6.1.3. **Complaint stage 3:** External review by the Victorian Ombudsman.

6.2. SCEI may set limits on the handling of a complaint or discontinue any process if the student making the complaint engages in behaviour that, because of its nature or frequency, raises substantial health, safety, resource or equity issues, or if the complaint is frivolous, vexatious or lacking in substance.

7. Student Appeal Process

7.1.1. **Appeal Stage 1: Internal Appeal:** direct appeal raised directly with the staff member or area responsible for the decision or service related to the complaint.

7.1.2. **Appeal Stage 2: External Appeal:** External review by the Victorian Ombudsman.

8. General principles that apply to all stages of this policy and procedure will be adhered to by SCEI are:

8.1. All complaints must be reported in writing within 20 working days of the adverse event occurring

8.2. The complainant and respondent will have the opportunity to present their case at each stage of the process

8.3. The complainant or respondent at any stage of the complaints process may seek the support of an independent third party.

8.4. All complaints will be managed in a confidential manner without any retribution to either the complainant or the respondent

8.5. At all stages, discussions relating to complaints will be recorded in writing. Full explanations for decisions and any action taken will be provided to the complainant or respondent, if requested.

8.6. All records relating to the complaint or grievance will be kept for a minimum of five years. Any records or documentation is to be kept strictly confidential and stored securely in the student management system.

8.7. Records relevant to the implementation of this policy will be managed in accordance with the PP25 Effective Records Management Policy and Procedure. Records of all complaints/grievances will be kept for a period of 5 years, will remain strictly confidential and will be stored securely. Supervised access to these records will be provided to parties to the complaint/grievance.

8.8. Access to records and information relevant to the implementation of this policy will be in accordance with the Privacy Act 1988 and the Freedom of Information Act (1991)

PROCEDURE

1. Stage One - Informal Complaint or Grievance

- 1.1. Where appropriate, students should attempt to make reasonable endeavours to resolve a complaint or grievance informally before raising it as a formal complaint.
- 1.2. The complainant should approach the person involved, if appropriate. The student may seek support from a third-party prior to approaching the person involved.
- 1.3. The most appropriate step for the complainant is to talk to the person who is the cause of the complaint or grievance about how their actions are impacting upon them (this depends on the nature of the complaint).
- 1.4. If the complaint or grievance is about behaviour, the complainant may choose to describe to the other party why they feel the conduct is offensive, intimidating, humiliating or hurtful and ask for it not to continue.
- 1.5. If it is about SCEI processes or a course matter, the complainant should describe to the other person the nature of the complaint and a possible resolution.
- 1.6. Should these steps fail to reach a resolution, the complainant may raise the complaint or grievance with their Course/Program Coordinator or Student Welfare Officer, who should provide advice and information on how to manage the situation.
- 1.7. If a resolution is reached, then the matter is finalised.
- 1.8. If the matter is not successfully resolved, the complainant may continue to the formal complaint process.

2. Stage Two - Formal Complaint or Grievance

- 2.1. General principles applying to all stages of this complaint/grievance procedure which will be adhered to by Southern Cross Education Institute, are:
 - 2.1.1. The complainant and respondent will have the opportunity to present their case at each stage of the procedure.
 - 2.1.2. The complainant and respondent have the option of being accompanied/assisted by a third person (such as a family member, friend, or counsellor) if they desire.
 - 2.1.3. The complainant and respondent will not be discriminated against or victimised.
- 2.2. Formal complaint or grievance should be submitted in writing using **FOR03 Complaint or Appeal form** or **FOR120 Grievance form** to the Compliance Manager or appointed delegate. The notification of the complaint must provide a description of the complaint in detail including relevant information such as names, dates, venues, course details, and any supporting documentation, e.g., emails.
- 2.3. The complainant must also indicate what actions they have already taken to resolve the complaint or grievance and indicate the outcome they are seeking.
- 2.4. If a formal complaint lacks sufficient information, it may not be possible for SCEI to investigate.
- 2.5. Upon receipt of the formal complaint or grievance, the Compliance Manager or appointed delegate will commence an investigation of the complaint or grievance within **ten (10) working days** by:
 - 2.5.1. Validating the complaint or grievance
 - 2.5.2. Verify the facts of the complaint or grievance
 - 2.5.3. Obtain all the evidence related to the nature of the complaint, including policies and procedures
 - 2.5.4. Conducts discussions and interviews with the relevant parties e.g., complainant and respondent
 - 2.5.5. At any time during the investigation the complainant and/or respondent may be assisted or accompanied by a support person
- 2.6. Following the investigation phase, the Compliance Manager or appointed delegate will:
 - 2.6.1. Analyse all the evidence gathered

2.6.2. Formulate the findings

2.6.3. Determine the outcome and any recommendations, these may include:

- 2.6.3.1. Counselling
- 2.6.3.2. Mediation
- 2.6.3.3. Formal apology
- 2.6.3.4. Disciplinary action e.g., warning
- 2.6.3.5. Review of SCEI's policies and procedures

2.6.4. The Compliance Manager or delegate will prepare a response of the investigation and outcome of the complaint or grievance and record in the **RGTR01 Complaints and Appeals Register**.

2.6.5. In instances where the Compliance Manager or appointed delegate thought the internal review has concluded that the complaint, grievance is not successful, the complainant will be advised in writing of the outcome of the complaint or grievance investigation within 10 working days of concluding the internal review (20 working days from the lodgement date). The notices will also advise the student of their right to access the internal appeal process as well as an external complaint handling and appeals process at minimal or no cost.

2.6.6. The complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome.

2.6.7. Copies of all documentation, outcomes and further action required will be entered into the **RGTR01 Complaints and Appeals Register** and in the Student's Profile on Student Management System

2.7. Stage Three – External review by the Victorian Ombudsman.

2.7.1. If the complainant is not satisfied with the outcome of Stage One and Stage Two they have a right to access the external complaint processes at minimal or no cost. Such external bodies include:

- 2.7.1.1. Overseas Students Ombudsman
<https://www.ombudsman.gov.au/>
- 2.7.1.2. Office of the Training Advocate
<https://sacommunity.org/>
- 2.7.1.3. Australian Skills Quality Authority
<https://www.asqa.gov.au/>
- 2.7.1.4. Victorian Equal Opportunity and Human Rights Commission
<https://www.humanrights.vic.gov.au/>
- 2.7.1.5. VET STUDENT LOANS MATTERS
LEADR - Association of Dispute Resolvers
Level 1 and 2, 13-15 Bridge St
Sydney NSW 2000
Phone: (+61 2) 9251 3366

Fax: (+61 2) 9251 3773

Feecall: 1800 651 650

Email: infoaus@resolution.institute

Website: <https://www.resolution.institute/>

3. Appeals

3.1. Stage One – Internal Appeal

3.1.1. All students have the right of appeal for a reversal, change or reconsideration of the decision where they are not satisfied with the decision.

3.1.2. Appeals must be submitted within 20 working days upon receiving the official outcome/decision the timelines set out in this policy and procedure by completing **FOR03 Complaint or Appeal form**. The grounds of the appeal must be clearly stated on the form.

3.1.3. Upon receipt of an appeal, the Student Welfare Officer will:

3.1.3.1. Register the appeal in the **RGT01 Complaints and Appeals Register**

3.1.3.2. Acknowledge receipt of the appeal to the appellant within two working days of the appeal being received

3.1.3.3. will commence an investigation of the appeal within **ten (10) working days** by:

3.1.3.3.1. Validating the appeal

3.1.3.3.2. Verify the facts

3.1.3.3.3. Obtain all the evidence related to the nature of the appeal, including policies and procedures

3.1.3.3.4. At any time during the investigation the complainant and/or respondent may be assisted or accompanied by a support person

3.1.3.4. Refer the appeal to an appeal review committee

3.1.4. The review committee will conduct all necessary consultations with the appellant and other relevant parties.

3.1.5. The appellant will be advised in writing of the outcome, including reasons within 20 working days upon receiving the FOR03 Complaints and Appeals form.

3.1.6. If the investigation is longer than 30 days, the appellant will be informed in writing, including reasons why more than 30 calendar days are required.

3.2. Stage Two – External Appeal

3.2.1. If the appellant is not satisfied with the outcome of Stage One they have a right to access the external appeals processes at minimal or no cost. Such external bodies include:

3.2.1.1. Overseas Students Ombudsman

<https://www.ombudsman.gov.au/>

3.2.1.2. Office of the Training Advocate

<https://sacommunity.org/>

3.2.1.3. Australian Skills Quality Authority

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

3.2.1.4. Victorian Equal Opportunity and Human Rights Commission

<https://www.humanrights.vic.gov.au/>

3.2.1.5. VET STUDENT LOANS MATTERS

LEADR - Association of Dispute Resolvers

Level 1 and 2, 13-15 Bridge St

Sydney NSW 2000

Phone: (+61 2) 9251 3366

Fax: (+61 2) 9251 3773

Feeccall: 1800 651 650

Email: infoaus@resolution.institute

Website: <https://www.resolution.institute/>

RELATED DOCUMENTS

- FOR03 Complaint or Appeal Form
- FOR120 Grievance Form
- PP79 Student Rules Policy
- PP97 Academic Appeals Policy and Procedure
- RGTR01 Complaints and Appeals Register

LEGISLATIVE CONTEXT

- Education Services for Overseas Students Act (2000)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (2018); Standard 10
- Standards for Registered Training Organisations (RTOs) 2015; Standard 6
- Standard VET Funding Contract Skills First Program; Clause 12 and Clause 1.7 of Schedule 1
- Age Discrimination Act 2004 (Cwth)
- Disability Discrimination Act 1992 (Cwth)
- Racial Discrimination Act 1975 (Cwth)
- Sex Discrimination Act 1984 (Cwth)
- Charter of Human Rights and Responsibilities Act 2006 (VIC)
- Equal Opportunity Act 2010 (VIC)
- Occupational Health and Safety Act 2004 (VIC)

- Privacy and Data Protection Act 2014 (VIC)
- Protected Disclosure Act 2012 (VIC)
- VET Student Loans Act 2016
- VET Student Loans Rules 2016 (section 88 and 90)

RESPONSIBILITIES

CEO and Managers

- Promoting a culture that encourages the efficient, timely and effective management of all complaints and/or grievances
- Publicising how and where complaints and grievances can be made
- Ensuring confidentiality to all parties involved in the complaint and/or grievance

Compliance Manager or Delegated Officer

- Conducting a thorough investigation into all formal complaints and grievances received
- Giving serious consideration to student complaints.
- Responding to student complaints in a timely manner and with courtesy and respect; and
- Communicating to relevant parties
- Ensuring confidentiality

Students

- Promptly attempt to resolve any complaints or grievances using an informal process
- Cooperating with the formal reporting and investigation process of any complaints and/or grievances
- Students making a complaint are expected to abide with the SCEI's complaints handling process and treat staff with courtesy and respect. Failure to do so may result in the process being discontinued.

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| Author | Compliance Manager |
| Approved by | Chief Executive Officer |
| Effective date | Sep 2022 |
| Reviewed | 16/09/2022 |
| Version | V9 |
| Review date due | Sep 2024 |