

PP11

Complaints and appeals policy and procedure

PURPOSE

This policy and procedure sets out the process for the management of complaints and appeals raised by students.

SCOPE

This policy and procedure applies to all students of Southern Cross Education Institute and staff involved in the management of complaints and appeals.

DEFINITIONS

Appellant	The person(s) lodging an appeal to the outcome of a complaint or grievance
Complainant	The person(s) lodging the complaint or grievance
Complaint	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
SCEI	Southern Cross Education Institute

POLICY

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. 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.
4. A student may escalate a complaint to a formal process at any stage.
5. General principles that apply to all stages of this policy and procedure will be adhered to by SCEI are:
 - 5.1. All formal complaints must be reported in writing within 20 working days of the adverse event occurring
 - 5.2. The complainant and respondent will have the opportunity to present their case at each stage of the process
 - 5.3. The complainant or respondent at any stage of the complaints process may seek the support of an independent third party.
 - 5.4. All complaints will be managed in a confidential manner without any retribution to either the complainant or the respondent
 - 5.5. The complainant and respondent will not be discriminated against or victimised
 - 5.6. 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.
 - 5.7. 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's administration file and student management system.

PROCEDURE

Informal Complaint or Grievance

1. Where appropriate, students should attempt to make reasonable endeavours to resolve a complaint or grievance informally before raising it as a formal complaint.
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.
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).
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.
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.
6. Should these steps fail to reach a resolution, the complainant may raise the complaint or grievance with their course coordinator or student welfare officer, who should provide advice and information on how to manage the situation.
7. If a resolution is reached, then the matter is finalised.
8. If the matter is not successfully resolved, the complainant may continue the formal complaint process.

Formal Complaint or Grievance

9. Formal complaint or grievance should be submitted in writing using **FOR03 Complaint and Appeal form** or **FOR120 Grievance form** to the Campus or Training 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.
10. The complainant must also indicate what actions they have already taken to resolve the complaint or grievance and indicate the outcome they are seeking.
11. If a formal complaint lacks sufficient information, it may not be possible for SCEI to investigate.
12. Upon receipt of the formal complaint or grievance, the Campus or Training Manager or appointed delegate will commence an investigation of the complaint or grievance within ten (10) working days by:
 - 12.1 Validating the complaint or grievance
 - 12.2 Verify the facts of the complaint or grievance
 - 12.3 Obtain all the evidence related to the nature of the complaint, including policies and procedures
 - 12.4 Conducts discussions and interviews with the relevant parties e.g. complainant and respondent
 - 12.5 At any time during the investigation the complainant and/or respondent may be assisted or accompanied by a support person
13. Following the investigation phase, the Campus or Training Manager or appointed delegate will:
 - 13.1 Analyse all the evidence gathered
 - 13.2 Formulate the findings
 - 13.3 Determine the outcome and any recommendations, these may include:
 - 13.3.1 Counselling
 - 13.3.2 Mediation
 - 13.3.3 Formal apology
 - 13.3.4 Disciplinary action e.g. warning
 - 13.3.5 Review of SCEI's policies and procedures
14. The Campus or Training 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**.
15. In instances where the Campus or Training 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. The notices will also advise the student of their right to access the internal appeal process as well as an external complaints handling and appeals process at minimal or no cost.
16. The complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome.
17. If the investigation is longer than 30 days, the complainant or appellant will be informed in writing, including reasons why more than 30 calendar days are required;
18. Copies of all documentation, outcomes and further action required will be entered into the **RGTR01 Complaints and Appeals Register** and in the Student's Administration file.

Appeals

19. All students have the right of appeal for a reversal, change or reconsideration of the decision where they are not satisfied with the decision.
20. Appeals must be submitted within the timelines set out in this policy and procedure by completing **FOR03 Complaint and Appeal form**. The grounds of the appeal must be clearly stated on the form.
21. Upon receipt of an appeal, the student welfare officer will:
 - 21.1 Register the appeal in the RGT01 Complaints and Appeals Register
 - 21.2 Acknowledge receipt of the appeal to the appellant within two working days of the appeal being received
 - 21.3 Refer the appeal to an independent review
22. The reviewer will conduct all necessary consultations with the appellant and other relevant parties.
23. The appellant will be advised in writing of the outcome, including reasons.
24. The student has a right to access the external appeals processes at minimal or no cost. Such external bodies include:
 - 24.1 Overseas Students Ombudsman - <http://www.oso.gov.au/>
 - 24.2 Office of the Training Advocate - www.trainingadvocate.sa.gov.au
 - 24.3 Australian Skills Quality Authority – www.asqa.com.au
 - 24.4 Victorian Equal Opportunity and Human Rights Commission - <http://www.humanrightscommission.vic.gov.au/>
 - 24.5 Commonwealth Ombudsman - www.ombudsman.gov.au/

RELATED DOCUMENTS

- FOR03 Complaint and Appeal Form
- FOR120 Grievance Form
- PP79 Student Rules Policy
- PP97 Academic Appeals Policy and Procedure
- RGT01 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
- 2017 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 <https://www.legislation.gov.au/Details/C2018C00402>
- VET Student Loans Rules 2016 (section 88 and 90) <https://www.legislation.gov.au/Details/F2019C00065>

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

Campus Manager, Training Manager or Delegated Officer

- Conducting a thorough investigation into all formal complaints and grievances received
- 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
- Abide by the Student Rules Policy

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