

# Student Complaints, Grievances and Appeals

## Policy

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Code and version control:	QaC011/26-09-2024
Policy owner:	Manager Quality Assurance and Risk
Date approved by CEO:	26 September 2024
Scheduled review date:	26 September 2027
Related policies and documents:	Diversity, Access and Equity for Students Policy Student Code of Conduct Privacy Policy Protected Disclosure Policy Higher Education Re-mark of Students' Academic Work Policy Student Complaints, Grievance and Appeals Procedure

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## Purpose

To ensure that William Angliss Institute (WAI) provides an open and transparent framework for students to pursue complaints and grievances and to ensure that natural justice and procedural fairness is afforded to both the complainant and respondent and that neither party to a grievance is discriminated against or victimised.

This policy ensures that all complaints and grievances are resolved promptly, fairly and objectively, with sensitivity and confidentially.

## Coverage

This policy applies to all students (potential, current and past) for all academic and non-academic issues. In addition, this policy applies to any WAI employees or other individuals engaged by WAI who either directly, or indirectly, cause a complaint or grievance to be raised, or who have complaint handling responsibilities.

The policy covers all student cohorts and, locations of WAI and its teaching activity.

This policy does not apply to WAI employees or third-party contractors, wishing to pursue a grievance.

## Policy

As part of its commitment to quality, WAI recognises that, from time to time, students may raise complaints or grievances about matters or issues relating to their experience at WAI.

We therefore ensure:

- Complaints and feedback are heard with a view to helping us improve our service delivery.
- An open and transparent complaint handling system, which provides a free mechanism to raise and pursue complaints and grievances and which is adhered to.
- Complaint handling is undertaken in a fair and objective manner and at no cost to the student.
- WAI employees handle complaints courteously, impartially, within established timeframes and by making assessments based on merit.
- That there is no reprisal.

- That we retain a level of responsibility for services carried out by third parties who we have engaged to act on our behalf. WAI's complaint handling system also covers complaints against these third parties.
- Complaints and any request for an appeal will be acknowledged in writing and finalised as soon as is practicable. A student's circumstances will also be considered when establishing a timeframe for resolution (for example, the expiry date of an international student's current student visa).
- We are accountable, both internally and externally, for our decision making and complaint handling performance. Explanations and reasons for our decisions will be provided, which allows for scrutiny of decisions made. Decisions are also subject to appropriate review processes.
- Any party who is not satisfied with the resolution to a complaint or grievance has the right to request a review, or to appeal the decision. Reviews and appeals will be conducted by senior, experienced WAI employees who have not been involved in the matter previously to ensure the process is as independent as possible.
- WAI will make it clear to the student that they can request a review by a party that is independent of both WAI and the complainant or appellant where the complainant, or appellant, is unsatisfied by the resolution to their complaint or appeal.
- WAI will provide a written statement of the outcome to the complainant.
- Reporting knowingly false or vexatious complaints is a violation of WAI's code of conduct.

Nothing in this policy limits the rights of students to take action under any applicable statute or laws, nor does the dispute resolution process circumscribe a complainant's right to pursue other legal remedies.

### Grounds for complaints and grievances

Grounds for complaint or grievance include, but are not limited to:

- a student being affected by a decision made without sufficient consideration of facts, evidence or circumstances.
- a student being affected by failure to adhere to appropriate or relevant WAI policies and procedures including the Student Code of Conduct.
- a penalty being applied to the student being unduly harsh or inappropriate.
- a student experiencing prejudice or bias; or
- a student being affected by improper or negligent conduct by another student or employee such as discrimination, bullying, sexual harassment, racial vilification, and religious vilification.

### Reporting framework and record keeping

- WAI is to maintain a framework that consists of the following 3 stages:
  - Informal
  - Formal
  - Appeal
- Complaints and grievances can initially be received at either the informal or formal stages however a complaint or grievance cannot be received at the appeals stage without going through the formal process first.
- All complaints will be recorded in written format, regardless of how they are received and will be collated in a complaints register.
- WAI will record the following information for each complaint:
  - the complainant's details (where the complainant has not lodged an anonymous complaint).
  - how the complaint was received.
  - a description of the complaint.
  - the complainant's desired outcome (if known).
  - the WAI employee/s responsible for handling the complaint.

- any action taken, including contact with the complainant, response times and the outcome.
- when the complaint was finalised.
- other relevant information that could help improve services.
- Records of complaints and appeals will be securely maintained.
- Complaint data will be analysed to identify potential causes of complaints and appeals so that WAI may implement corrective action to eliminate or mitigate the likelihood of reoccurrence.
- Complaint data will be reported annually to the Executive Group, along with recommendations on how WAI can reduce complaints and improve services.
- To measure WAI's performance, the following key performance indicators shall be used:
  - number of complaints received.
  - percentage of complaints resolved within specified timelines.
  - average and range of acknowledgement and resolution time.
  - complaint by category type and study area.
  - number of complaint outcomes overturned on internal review.
  - number of complaints escalated to the Victorian Ombudsman's office where WAI's original decision has been overturned and/or proposals for action have been made by the Ombudsman.

#### Student Support and Accessibility

- Accessibility is a key guiding principle to complaint handling. WAI understands that people have a range of needs. WAI will ensure that employees actively assist people to raise a complaint, or to navigate the complaints process.
- During each stage of the grievance process the complainant, appellant, or respondent can be accompanied by a support person (example: friend, or a family member) who is not a legal practitioner. WAI counsellors are available to be a support for campus-based students and regional, interstate and international students via teleconference.
- Complaints and grievances are reported and managed via the WAI Complaints portal accessed via the WAI website.
- Complainants, appellants, and respondents will have free access to a translation and interpreter service, if required.
- People with hearing or speech impairments will be able to use the National Relay Service to communicate, if desired.
- If a person is unable or does not want to lodge a complaint themselves, complaints from an authorised representative will be accepted.

#### Target Timelines

- Several factors influence response timelines including:
  - the seriousness and complexity of the complaint.
  - the potential need for urgent action, for example where there are health or safety concerns for any person.
  - whether the complaint raises systemic issues, and the impact this has on the person and broader community.
  - whether other parties or organisations are involved.
  - whether the complaint is subject to special statutory requirements, for example, a protected disclosure.
- WAI will acknowledge all complaints in writing, within 10 business days of receipt.
- Complaint handling employees will aim to resolve all complaints within 28 days.

- For more complex complaints, or those requiring more detailed investigation, the complainant will be given a reasonable time frame for an expected resolution, taking into consideration the factors above.
- Where timelines for the finalisation of a complaint or appeal process are anticipated to be more than 60 calendar days, WAI will inform the complainant or appellant in writing of this, along with the reasons why more than 60 days is required. WAI will also regularly update the complainant or appellant on the progress of the matter.

#### Publication and Awareness

- To ensure transparency, WAI will publish this policy and accompanying procedure to our website, so that information related to how to complain, where to complain, and how the complaint will be handled will be readily available to all parties. The steps taken to respond to a complaint will also be recorded.
- For the purpose of ensuring employee awareness and training of relevant employees, this policy will be included in the department induction process and will be published electronically on WAI's employee intranet.
- For the purpose of ensuring student awareness and accessibility, this policy will be published electronically on the WAI website and referred to in the Student Guide.

#### Confidentiality and Privacy

- Complaints usually involve personal information about the complainant, the respondent, and in some cases, third parties.
- Complainants have the right to lodge complaints anonymously or can request that their identity is not disclosed. WAI will accept and respond to anonymous complaints, provided we have received enough information to do so. This is on the understanding that in some cases, it will be impractical for WAI to conduct investigations without contacting the complainant for further information or disclosing their identity. Anonymous complainants will not receive any official communication related to the lodgement, or resolution of the complaint.
- All employees and students involved in a grievance process must maintain the confidentiality and privacy of information in accordance with this and associated WAI policies, as well as applicable law.
- All outcomes, decisions and dealings associated with a formal or informal grievance under this policy, and any appeals arising there from, are confidential and are to be managed in accordance with WAI's policy on confidentiality of student records. Confidentiality will be strictly observed throughout the grievance process.
- It is expected that:
  - Information collected is only to be used to deal with the complaint, or to address any systemic issues arising from the complaint.
  - Personal information is only shared with people handling the complaint on a 'need to know' basis.
  - Information will be de-identified if released to the public, or when gathered for the purposes of summarising complaints for a complaints register or performing analytics.

#### Remedies

Before submitting a formal grievance, students should initially attempt resolution by raising their concerns with the respondent or another appropriate person. Appropriate people to contact for this purpose may include:

- An academic program leader.
- An academic program director or course coordinator.
- Student services including the Information Centre, International Office or the Wellbeing and Counselling Service.

- Where WAI has identified that an error has been made in the complaint or appeals process, WAI will consider offering a genuine apology to the complainant, regardless of whether this has been specifically requested by the complainant.
- In addition, steps will be undertaken to redress the situation. Possible remedies include, but are not limited to:
  - explaining the reason for the error and steps undertaken to prevent its recurrence.
  - reversal of a decision.
  - an ex-gratia payment or compensation.
  - disciplinary action taken against the respondent.
  - providing the means of redress requested by the complainant.

## Definitions

- **Appeal:** - means an escalation step available to a student if the student is dissatisfied with the outcome of a formal grievance resolution decision.
- **Appellant:** - a person who is appealing a decision made under this policy or its accompanying procedure.
- **Bullying:** - repeated, unreasonable behaviour directed towards a student or group of students that a reasonable person would expect to victimise, humiliate, undermine or threaten.
- **Complainant:** - person, organisation or representative who makes a complaint.
- **Complaint:** - is an expression of dissatisfaction with the quality of an action taken, decision made or service provided by an agency or its contractor; or a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.
- **Complaint handling system:** - all policies, procedures, practices, officers and resources deployed by WAI to manage complaints.
- **Complaints Register:** - a centralised electronic complaints management system for all aspects of student complaints and record-keeping.
- **Discrimination:** - treating a person less favourably or unfairly (either directly or indirectly) because of a protected attribute (e.g. age, impairment, sex, race, religion etc.)
- **Formal grievance:** - a formal complaint submitted in writing using the prescribed form, or any of the mechanisms allowed for by this policy.
- **Frivolous complaints:** - refer to silly or trivial complaints that have been made with the intention of harassing or embarrassing an individual or individuals.
- **Grievance:** - a complaint based on the opinion that an individual is, or has been, receiving unfair treatment, and for which a resolution process does not exist under existing policies and procedures.
- **Informal grievance:** - an initial complaint that is often verbal between the complainant and respondent.
- **International Student:** - a student who is holding a student visa and enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under William Angliss Institute's CRICOS Provider Code.
- **Racial or Religious Vilification:** - actions that incite hatred, ridicule, contempt or revulsion towards a person or group of people because of their race or lawful religious activity.
- **Reasonable time frame:** - a time frame to be identified in discussion with the complainant by the employee that is fair and realistic given the grievance resolution actions to be undertaken.
- **Respondent:** - person against whom the complaint is made, or otherwise the subject of the complaint.

- **Sexual harassment:** - a person or group of people behaving inappropriately towards another person (or persons) through unwelcoming behaviour of a sexual nature that a reasonable person would find offensive, humiliating or intimidating.
- **Student:** - for the purpose of this policy a student is a person who has been enrolled in any course offered by WAI. The term 'student' can also refer to a potential student or graduate.
- **Support person:** - a person nominated by the student to provide support and/or represent the student during the process. For example, a friend, or a member of the family. This may not include legal counsel or a legal practitioner.
- **Third-party:** - means any party that provides services on behalf of the Registered Training Organisation (RTO) but does not include a contract of employment between an RTO and its employee.
- **Vexatious complaints:** - refer to false complaints submitted with the intention of harassing, embarrassing or upsetting an individual or individuals.
- **Victimised:** - a person victimises another if they subject them to, or threaten them with, unfair treatment because they have either made a complaint or assisted a person making such a complaint.

## Legislative and/or Institute Management Context

This policy enables WAI to comply with regulatory and management instruments including but not limited to:

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Freedom of Information Act 1982 (Vic)
- Independent Broad-based Anti-corruption Commission Act 2011 (Vic)
- Privacy Act 1988 (Clth)
- Privacy and Data Protection Act 2014 (Vic)
- Protected Disclosure Act 2012 (Vic)
- Education Services for Overseas Students (ESOS) Act 2000 (Clth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
- Standards for Registered Training Organisations (RTOs) 2015

Additional sources used in developing this document are:

- Complaints: Good Practice Guide for Public Sector Agencies (September 2016) (Victorian Ombudsman)

## Non-compliance with Policy

Established breaches of WAI's Student Complaints, Grievances and Appeals Policy and any associated procedures will be met with disciplinary action.

Non-compliance with WAI Student Complaints, Grievances and Appeals Policy and any associated procedures may result in non-compliance to ASQA standards and loss of student satisfaction and reputation to WAI.