

## Complaints and Appeals Policy and Procedure

### Definitions

The Institute uses the following definitions in relation to complaints and appeals:

Complaint	Appeal
<p>Staff and students have the right to submit a complaint if they wish to express discontent against another person or a complaint against the Institutes process or system. In order to ensure that complaints are dealt with in a timely manner.</p> <p>This policy and procedure is relevant to all complaints arising in the following areas:</p> <ul style="list-style-type: none"> <li>• Student wishes to raise a complaint against another student</li> <li>• Student wishes to raise a complaint against the Institute</li> <li>• Student wishes to raise a complaint about a Third Party</li> <li>• Staff wish to raise complaint about a Third Party</li> <li>• Staff wishes to raise a complaint about another staff member or a student</li> </ul>	<p>The student has the right to appeal on an assessment result if they believe that the result given was unfair or unjustified.</p> <p>This includes Appeals arising in the following areas:</p> <ol style="list-style-type: none"> <li>a) Student disagrees with the result given by their Assessor</li> <li>b) Student wishes to have their result reviewed by another Assessor</li> <li>c) Student wishes to be re-assessed for the same unit</li> <li>d) Student believes that they were discriminated against by the Assessor</li> <li>e) Or any other matter that requires the process for an appeal</li> </ol>

### Complaints Policy

Staff and students have the right to submit a complaint if they wish to express discontent against another person or a complaint against the Institutes process or system. In order to ensure that complaints are dealt with in a timely manner, we have implemented a complaints process.

This policy and procedure is relevant to all grievances arising in the following areas:

- a) Student wishes to raise a complaint against another student
- b) Student wishes to raise a complaint against the Institute
- c) Student wishes to raise a complaint about a Third Party
- d) Institute staff wishes to raise complaint about a Third Party
- e) Staff wishes to raise a complaint about another staff member or a student

## Complaints Process

If a student, trainer or staff member is experiencing any difficulties, they are encouraged to discuss their concerns in the first instance with either their Trainer or the Student Support Officer (SSO). Institute staff will make themselves available at a mutually convenient time if a student wishes to seek assistance.

If a Student or Staff member wishes to make a formal complaint they are required to complete a Complaints and Appeals Form, which is included in the Student and Trainers Handbook. Once the form has been completed, the form should be submitted to the SSO for actioning.

If required, the student has the right to have a third party/support person assist them through the Complaints Process, this may be due to language barriers or simply at the students' request.

Following is the process for managing complaints:

1. Formal complaint is received from the complainant to the Institute
2. If not already submitted with the complaint, a *Complaints and Appeals Form* is completed and submitted to the Operation Manager
3. A written acknowledgement of receipt of the *Complaints and/or Appeal* will be forwarded to the complainant following receipt by the Operation Manager within 5 working days
4. The Complaint is discussed with ALL parties involved in the grievance, and ALL parties are notified in writing of the complaint, which will ensure that order to meet the requirements of natural justice and procedural fairness
5. Grievances should be kept confidential, in order to protect the complainants
6. All *Complaints and Appeals Form* are to be reviewed at the monthly Quality and Compliance Meetings.
7. The Operation Manager is to follow the process on the *Complaints and Appeals Form* for the process under "Recommended Action Required for Improvement".
  - a. An initial meeting is to be held within 10 working days of formal lodgement of the complaint
  - b. If further investigation is required, this should be completed within 60 calendar days
8. Each appellant:
  - a. Has an opportunity to formally present his or her case
  - b. Is given a written statement of the complaint outcomes, including reasons for the decision
9. If the Complainant wishes to appeal the Complaint outcome, the student can bring the complaint before senior management for resolution, agreeable to all parties.
10. If Senior Management is party to the grievance, they will not take part in any discussions or decisions made and the appeal will be referred to the PEO.
11. If a solution has not been reached to the benefit of all parties the complainant has the right to request a review by an independent party, who is not part of the Institute
12. The Institute is responsible for acting upon the subject of any complaint found to be substantiated
13. Complaints and Appeals Forms received are to be entered onto the Complaints and Appeals Register
14. If the Institute determines that the complaint process cannot be finalised within 60 calendar days the Operation Manager will:

- a. Confirm this in writing to the complainant, including reasons why more than 60 calendar days is required
- b. Will regularly update the complainant or appellant on the progress of the matter

*Complaints and Appeals Forms* are to be actioned by the appropriate staff member and filed into the *Complaints and Appeals Register* and a scanned copy saved onto the student file in the database.

All *Complaints and Appeals Forms* are to be reviewed during the monthly Quality and Compliance Meetings and improvements are to be identified and implemented according to the Policies and Procedures of the Institute.

### **ESOS requirements**

Based on the ESOS Act 2000 Section 8.4, if the student chooses to access the registered provider's complaints and appeals processes as per this Standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.

Based on ESOS Act 2000 Section 8.5, if the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

### **Disagree with Complaint Process**

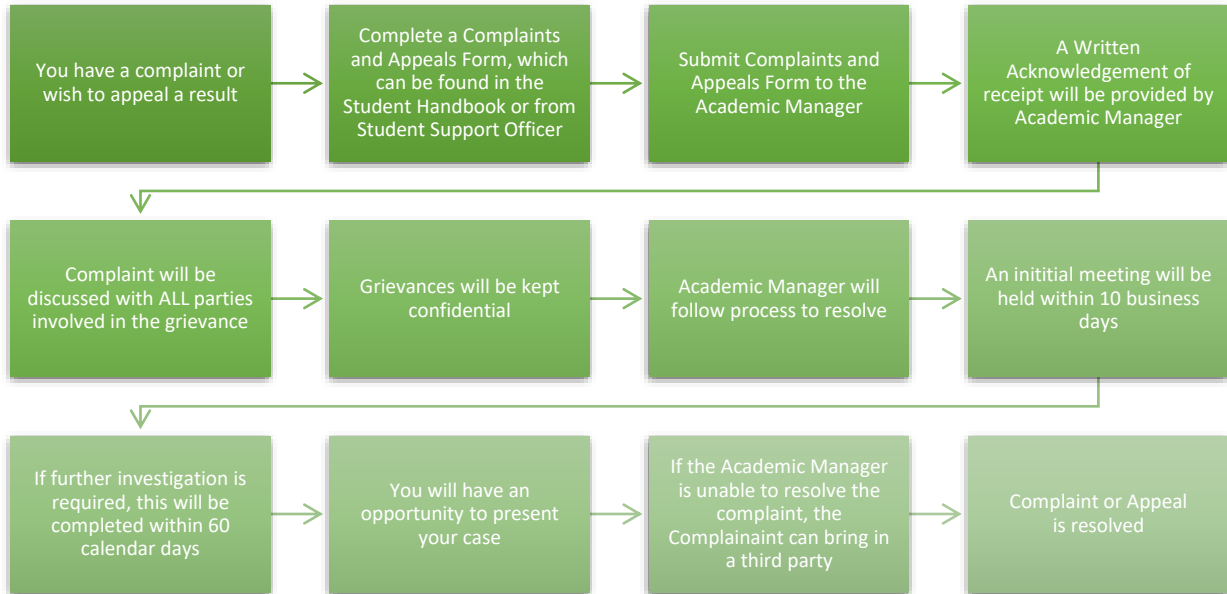
Should the student not be satisfied with the result of the appeal by the Institute, the student can lodge a complaint with:

- Overseas Students Ombudsman ([www.oso.gov.au](http://www.oso.gov.au)) or 1300 362 072
- For student Visa issues – Department of Home Affairs ([www.homeaffairs.gov.au](http://www.homeaffairs.gov.au))
- For Legal Matters – ([www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)) 1300 888 529
- For any International student matters – ([www.studyinaustralia.gov.au](http://www.studyinaustralia.gov.au)) 1300 363 079
- National Training Complaints Hotline (<https://www.education.gov.au/NTCH>)  
Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.  
Email Complaints: <https://www.education.gov.au/email-complaints>
- NSW - Office of Fair Trading (<http://www.fairtrading.nsw.gov.au>).
- QLD – Fair Trading Queensland (<https://www.qld.gov.au/law/fair-trading/>)
- SA - Consumer and Business Services SA (<http://www.cbs.sa.gov.au/wcm/>)
- TAS – Consumer Affairs and Fair Trading (<http://www.consumer.tas.gov.au/>)
- VIC - Consumer Affairs Victoria (<https://www.consumer.vic.gov.au/businesses/fair-trading>)
- WA – Consumer Protection Western Australia (<https://www.commerce.wa.gov.au/consumer-protection>)
- NT – Consumer Affairs Northern Territory (<http://www.consumeraffairs.nt.gov.au/Pages/default.aspx>)

There is no cost involved with lodging a complaint with Kingsford International Institute.

- If complainant is dissatisfied with the outcome of the complaint or appeal at the end of the internal process, complainant may wish to have the matter dealt with through an external dispute resolution process facilitated by the Ombudsman. [www.oso.gov.au](http://www.oso.gov.au), [overseas.students@ombudsman.gov.au](mailto:overseas.students@ombudsman.gov.au).  
Phone: 1300 362 072

## Complaints Flowchart



## Complaints and Appeals Form

The Complaints and Appeals Form is accessible from Administration/Reception/Website or a complainant can also contact the Institute to obtain a copy of the form.

## Complaints and Appeals Register

The Institute has in place a register for filing completed Complaints and Appeals forms. When a complaint or appeal is received, the form collected is to be entered the Complaints and Appeals Register and given a register number.

Complaints and Appeals that are placed into the register are reviewed and monitored each month at the monthly Quality & Compliance Meeting.

## **Corrective and Preventative Action – Opportunity for Improvement**

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Corrective and Preventative Actions are improvements to processes taken to eliminate causes of non-conformities or other undesirable situations. It focuses on the systematic investigation of the root causes of identified problems or identified risks in an attempt to prevent their recurrence (for corrective action) or to prevent occurrence (for preventive action).

### **Opportunity for Improvement**

A key process for managing continuous improvement (including Corrective and Preventative Action) throughout the Institute is through identifying “Opportunities for Improvement”, these can be improvements to Training and Assessment, Client Services or Management Systems. Examples of when Opportunities for Improvement may be identified include:

- Training and Assessment:
  - Reviewing a Training and Assessment Strategy
  - Feedback on Training and Assessment
  - Industry Consultation
  - Assessment Validation
  - Internal Audits
  - Changes in Industry requirements
- Student Services:
  - Opportunities for Improvement
  - Training Evaluation Form
  - Enrolment Agreement Forms
  - Internal Audit Reports
  - Complaints and Appeals Forms
- Management Systems:
  - Quality and Compliance Meeting minutes
  - Review of Continuous Improvement Cycle
  - Conducting Annual Internal Audits
  - Policies and Procedures do not align with process or legislative requirements
  - Provider system failure
- Critical Incident
  - Critical Incident
  - Complaint or Appeal
  - Process failing
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- International Agent or Third Party
  - Agent or Third Party not working within conditions of agreement
  - Agreement
- Document Control
- Non-compliances at Audit
- Provider System Failure
- International Agent

All staff and students are encouraged to complete an Opportunity for Improvement Form if they identify a system, process or procedure requiring implementation or improvement.

The implementation of the actions identified in the Opportunity for Improvement Form will be reviewed and discussed at the Monthly Quality and Compliance Meetings. Following is the process for opportunities for improvement:

1. An opportunity for improvement is identified
2. An Opportunity for Improvement Form is completed, by outlining the details of the current weakness in the system, process, procedure or practice.
3. In order to focus on the solution and not the weakness, the person who has identified the improvement is given the opportunity to also identify the "Action required for Improvement". If they are not able to identify a solution, this will be given to the Operation Manager to resolve.
4. Submit the Opportunity for Improvement Form to the Operation Manager.
5. Operation Manager reviews the Opportunity for Improvement Form, and either reviews the suggested "Action required for Improvement" identified by the person who completed the form, or identifies what they believe the "Action required for Improvement".
6. The Operation Manager enters the Opportunity for Improvement into the Opportunity for Improvement Register.
7. Operation Manager either then delegates the Opportunity for Improvement to be actioned by another staff member, or undertakes the Action to be completed.
8. Once Actioned and finalised, the Opportunity for Improvement Form is to be filed into the Opportunities for Improvement Register.
9. The Opportunity for Improvement is reviewed at the monthly Quality and Compliance Meeting. Minutes from the Quality and Compliance Meeting are distributed to all Training and Administration staff so that they can review the Opportunities identified.

## **Assessment Appeals Policy**

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The student has the right to appeal a result (e.g. assessment, attendance) if they believe that the result given was unfair or unjustified. The student has 20 working days from the date of the result in which to lodge a formal appeal with the Institute.

This includes Appeals arising in the following areas:

- f) Student disagrees with the result given by their Assessor (including Third Party)
- g) Student wishes to have their result reviewed by another Assessor
- h) Student wishes to be re-assessed for the same unit
- i) Student wishes to change the unit
- j) Student believes that they were discriminated against by the Assessor

## **Assessment Appeals Procedure**

All students have the right to appeal any assessment decision made by the Institute if they:

- Believe that the assessment is invalid and/or
- Feel that the process was invalid, inappropriate or unfair

Before making an appeal, we ask that you discuss the matter with your Trainer/Assessor in an attempt to reach a decision.

If you are still not happy, you are then entitled to lodge a formal Appeal by completing an “*Complaints and Appeals Form*” within 7 days of the initial discussion. Once a formal appeal is lodged a new Assessor will be appointed in an attempt to resolve the appeal. Any decision recommended by this party is not binding to either party in the dispute.

If you are still not satisfied another registered training provider in the same curriculum area will be appointed to arbitrate and reassess participants if necessary.

You have the right to a support person to be involved at all times during the appeal process.

Following is the process submitting an Appeal:

1. Student receives a result for an assessment task of which they do not agree with the result
2. Student completed a *Complaints and Appeals Form*
3. The *Complaints and Appeals Form* is submitted to the Student Support Officer
4. A written acknowledgement of receipt will be forwarded to the Student confirming receipt of the *Complaints and Appeals Form*
5. The Operation Manager will consult with the trainer/assessor and student individually
6. The Operation Manager is to follow the process on the *Complaints and Appeals Form* for the process under “Recommend Action Required for Improvement”
7. An initial meeting will be held within 10 working days of lodgement of the formal appeal
8. The student will be advised of the outcome of this consultation process within 15 working days of the dispute being lodged

9. If it is decided that there is a case for review, a suitably qualified, independent assessor will be employed to conduct another assessment. An assessment date will be negotiated with the student. Following the assessment, the student will be advised of the result within 10 working days
10. If the student is not satisfied with any decisions made in this review process, a Review Board will be convened to review the case again. An opportunity for Improvement Form may need to be completed in order to identify any improvements on the process that may need to be made
11. All *Complaints and Appeals Form* received are to be entered onto the Complaints and Appeals Register

All *Complaints and Appeals Form* are to be reviewed during the monthly Quality and Compliance Meetings. If the Institute determines that the appeals process will take more than 60 calendar days, the Operation Manager will notify the student in writing including reasons why more than 60 days is required. The Operation Manager will regularly update the student with the process.

### **Final Decision is Rejected**

If the complainant is dissatisfied with the outcome of the complaint or appeal at the end of the internal process, the complainant may wish the matter to be dealt with through an external dispute resolution process facilitated by the Ombudsman.

International Student Ombudsman

Website: [www.oso.gov.au](http://www.oso.gov.au)

Email: [overseas.students@ombudsman.gov.au](mailto:overseas.students@ombudsman.gov.au)

Phone: 1300 362 072