



## Complaints and Appeals Policy and Procedure

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| <b>Institution</b>       | Kingsway Institute                             |
| <b>Policy Name</b>       | Complaints and Appeals Policies and Procedures |
| <b>Policy Governance</b> | Principal Executive Officer                    |
| <b>Date of Approval</b>  | January 2020                                   |
| <b>Review Date</b>       | January 2021                                   |
| <b>Version No.</b>       | 5.0  |

### 1 Purpose

The purpose of this Policy and Procedure is to define the system available to students for dealing with student complaints and appeals.

The Principal Executive Officer is responsible for the implementation of this procedure and ensuring that staff and students are made aware of its application.

### 2 Policy

- All prospective students will be provided with information about the complaints and appeals procedure during orientation.
- All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution
- Students will be provided with details of external authorities they may approach if required
- At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them.
- All complaints and appeals will be managed fairly and equitably and as efficiently as possible
- Students may raise any matters of concern relating to Kingsway Institute, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- For internal complaints and appeals:
  - The student will have an opportunity to formally present their case at no cost to the student, in writing or in-person
  - The student may be accompanied and assisted by a support person at any relevant meetings.
- A student's enrolment must be maintained while an internal complaint or appeal is in progress and the outcome has not been determined.
- The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported at a Senior Management meeting as part of the continuous improvement process.
- Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.



### 3 Procedure

#### Informal Complaint Process

- 1.1 Any student with a question or complaint may raise the matter with the staff of the Institute and attempt an informal resolution of the issue or complaint.
- 1.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff member involved determines that the issue question or complaint was relevant to the broader operation of the Institute.
- 1.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

#### Formal Complaint Process

- 1.4 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint, a student must complete the student complaint form and contact the Student Services Manager to arrange a meeting. At this meeting the complaint can be raised, and a resolution attempted.
- 1.5 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to Department of Home Affairs in order to be considered by the Institute.
  - ✓ Deferral of commencement, suspension or cancelling a student enrolment
  - ✓ Non-achievement of satisfactory attendance
  - ✓ Non-achievement of satisfactory course progress
- 1.6 At the stage of the complaint meeting the complaint must be recorded in writing and signed and dated by the complainant and the Student Services Manager. The complaint is recorded in writing by completing the student complaint form before the meeting or a new document can be prepared and signed during the meeting.
- 1.7 The Student Services Manager will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within **ten** (10) working days of the complaint being lodged in writing.
- 1.8 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 1.9 At the end of the resolution phase, the Student Services Manager will report the Institute decision to the student. The Institute decision and reasons for the decision will be documented by the Student Services Manager and placed in the student's file.
- 1.10 Following the resolution phase the Institute must implement the decision as conveyed to the student
- 1.11 If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.



### **Internal Appeal Process**

- 1.12 Internal appeals may arise from several sources including appeals against assessment, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the Institute.
- 1.13 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 1.14 The appeals process is initiated by a student completing the student appeals form.
- 1.15 The appeal resolution phase must commence within **ten (10)** working days of the internal appeal being lodged in writing.
- 1.16 A maximum time of 30 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 1.17 After a student makes an internal appeal, and the Institute will appoint a person or body to hear the appeal and propose a final resolution. This person or entity must not be the same as any person or entity that listened to the original complaint
- 1.18 Students appealing an assessment outcome will be given the opportunity for reassessment by a different assessor or teacher selected by the Institute. Costs of revaluation will be met by the Institute. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 1.19 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student file
- 1.20 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed; however, an external appeals process is available.
- 1.21 The Institute must advise the student within 10 working days of their right to access an external appeals process and provide contact details, if the student is not satisfied with the outcome of the internal complaints and appeals process

### **External Appeal Process**

- 1.22 The purpose of the external appeals process is to consider whether the Institute has followed its student complaint and appeals procedure, not to make a decision in place of the Institute. For example, if a student appeals against his or her results and goes through the internal appeals process, the external appeals process (if accessed) would look at how the internal appeal was conducted; it would not determine as to what the result should be.
- 1.23 For external appeals the Independent Arbiter will be The Overseas Student Ombudsman



**NSW Ombudsman and Complaints**

9286 1000

1800 451 524 (Toll-Free)

Opening Hours: 9:00 AM - 4:00 PM, Monday to Friday,

**Overseas Student Ombudsman (OSO)**

1300 363 072

1300 362 072

[ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

GPO Box 442 Canberra ACT 2601

[www.os.gov.au](http://www.os.gov.au)

- 1.24 The external appeals procedure will be determined by the independent arbiter.
- 1.25 Following the receipt of the outcome of the external appeal, the Institute must immediately implement the decision and convey the outcome to the student.
- 1.26 If an appeal is against an Institute decision to report the student for unsatisfactory course progress or unsatisfactory attendance the Institute must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.
- 1.27 If an appeal is against an Institute decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment.