

A) Students

Purpose

The purpose of these policies and procedures is to provide clear guidelines for students wishing to lodge a complaint or to appeal an Institute decision with which the student is not satisfied.

Scope

The procedures described in this document apply to both international and domestic students and are designed for the satisfactory resolution of complaints and appeals.

Responsibility

- The DOS is responsible for implementation of these procedures and ensuring that staff and students are made aware of its application.
- All students and staff are expected to conduct themselves in a manner which respects the dignity and welfare of other Institute members and to show care, good faith and compliance with all reasonable instructions, policies and procedures in the performance of their duties and in undertaking their studies.

Definitions

Student: any person enrolled as a student at the Institute.

Complaint: an expression of dissatisfaction with a service or a decision or action of the Institute or an expression of dissatisfaction with an action by a student.

Appeal: a student request to the Institute to overturn or change a previous decision made by the Institute with which the student is dissatisfied.

Complainant: person making the complaint.

Respondent: person who responds to a student complaint.

Decision: decision of the complaint or appeal.

Natural Justice: means general procedural fairness in the handling of complaints and appeals that involves all of the following elements:

- The right to a fair hearing
- The right to attend hearings with a friend or support person, if required
- The opportunity for all parties involved to be heard
- The Respondent having full knowledge of the nature and substance of the grievance
- The Complainant not determining the decision, but may be a party to it
- The right to independent, unbiased decision-making
- A final decision that is based solely on the relevant evidence.

Requirements

- All prospective students will be provided with information about the Complaints and Appeals Procedure before making an agreement to enroll.
- The principles of Natural Justice shall apply to student complaints and appeals proceedings.
- Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using these procedures.
- Students will be provided with details of external authorities they may approach, if required.
- All complaints and appeals need to be handled professionally and confidentially in order to achieve a satisfactory resolution. For internal complaints and appeals:
 - a. the student will have an opportunity to formally present their case, in writing or in person and at no cost to the student
 - b. the student may be accompanied and assisted by a support person at any relevant meetings
 - c. once decision has been made that support the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome.
- A student's enrolment must be maintained while an internal complaint or appeal is in progress and the decision 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, there may be 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 that requires improvement action, this will be reported to the Institute's management meeting as part of the Continuous Improvement Process.
- Nothing in this policy restricts the student's right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the student to take action under Australia's consumer protection laws.

Procedures

1. Informal Complaint Process

- Any student with a complaint may first raise the issue informally with a Student Support Officer, Trainer or other relevant staff member and attempt an informal resolution of the complaint.
- 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 involved determines that the issue in question or complaint is relevant to the wider operation of the Institute.

- Students who are not satisfied with the decision of the complaint will be advised to register a formal complaint.

2. Formal Complaint Process

- Students not satisfied with the decision of the informal process can register a formal complaint in writing.
- To register a formal complaint a student must complete and lodge a Student Complaints Form with Student Services providing:
 - a. a clear statement of the complaint, including the parties involved
 - b. a suggested solution that the student believes would settle the complaint (e.g. an appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame).
- The resolution phase will commence within 10 working days of the complaint being lodged in writing.
- The DOS or nominee will determine whether the subject matter falls within the definition of a complaint. This period is called the resolution phase.
- Where it is determined that the subject matter falls within the definition, the DOS or nominee will:
 - a. gather such information as required to assist with the settlement of the complaint, including providing the respondent with the statement of the complaint and giving them the opportunity to respond
 - b. attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.
- Where it is determined that the subject matter of the complaint falls outside the definition of a complaint, the DOS or nominee will advise the student accordingly. The DOS or nominee may dismiss a complaint if, in their view, the complaint is ill-advised, misguided, frivolous, malicious or vexatious.
- At the conclusion of the resolution phase, the DOS or nominee will write to both the complainant/appellant and the Institute indicating the decision of the process and specifying any action that has been agreed upon by the parties as part of that process.
- The Institute decision and reasons for the decision will be documented by the DOS, or nominee, and placed in the student's file.

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- Once decision has been made that supports the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome.
- If a student is dissatisfied with the decision of the formal complaint process, they may initiate an internal appeal process by completing a Student Appeal Form.

3. Internal Appeals Process

- Internal appeals may arise from a number of sources including appeals against assessment decisions, appeals against discipline 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.
- An Internal Appeal Process is initiated by a student by lodging a Student Appeal Form with Student Services.
- Where an appeal relates to the following matters, the Student Appeals Form must be lodged within 20 working days:
 - a. notification of an intention to report the student to the Department of Border Protection (DIBP) for unsatisfactory course progress
 - b. notification of an intention to suspend or cancel a student's enrolment due to misbehaviour, or other extenuating circumstances (ref. Student Code of Behaviour and Discipline Procedures for details).
- Within 10 working days of receiving the Student Appeal Form, the PEO or nominee will appoint an Investigator or convene a Student Appeal Committee to hear the appeals and propose a final resolution. This Investigator or Committee must not include any person who heard the original complaint. The Investigator or the Student Appeals Committee will:
 - a. meet with the student (and support person, if present) and provide the student with the opportunity to present their case and any supporting evidence they bring to the meeting
 - b. at the conclusion of the meeting, will inform the student of the timeframe within which the Institute will provide a written decision of the appeal. The timeframe will generally be 10 working days. After the meeting, the Investigator or Committee will, impartially, consider all the evidence and make a decision.
- The decision will be documented and will include the reasons for the decision. If the decision goes against the student, the decision will include information for the student of his or her right to an external appeal. Details of suitable external appeal bodies will be made available to the student.
- The decision of the internal appeals process and reasons for the decision will be recorded in writing and signed and dated by the student and the Institute and placed

in the student's file.

- once decision has been made that support the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome
- Students, if you need help with an appeal, please see the Student Support Officer.

4. External Appeals Process

- The external appeals process involves an independent mediator.
- The purpose of the external appeals process is to consider whether the Institute has followed its Student Complaints and Appeals Procedure, it is not to make a decision in place of the Institute's decision. For example, if a student appeals against his or her assessment results and goes through the Institute's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

I. International students

- If an international student finds no satisfaction with the internal appeal process, the student is advised to request mediation through the Overseas Student Ombudsman (OSO). **The student will be given five working days to make one external appeal and provide the positive outcome of the external appeal to the institute.**
- There may be a fee involved, as per the Overseas Student Ombudsman guidelines.
- While the student is making an external appeal, the Institute must maintain the student's enrolment (i.e. not report the student) until the external appeal process is complete or five working days are finished, whichever is earlier
- International students should appeal to an external mediator before the Institute reports the student to DIBP through PRISMS. This does not stop the student from appealing more than once, but the Institute reserves the right to report the student after the decision of the first external appeal when the appeal decision has gone against the student. If the student does not submit to the institute the positive outcome of the external appeal in favor of student by COB of fifth working day, the student's CoE will be cancelled.
- However, once decision has been made that support the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome.
- These complaints and appeal procedures do not restrict a student's right to pursue other external remedies through the Australian legal system.
- To find out more about what the Ombudsman for international students can do for you, go to: <http://www.oso.gov.au>
To lodge an external appeal or complaint with the Ombudsman, you need to fill in a

complaint form which is located at:

<https://forms.business.gov.au/aba/ombudsman/overseas-students-ombudsman-complaint-form->

You can also ring the Overseas Student Ombudsman's office on:

1300 362 072 (in Australia)

+61 2 6276 0111 (if calling outside Australia)

II. Domestic students

Domestic Students are advised to contact Ombudsman offices in Sydney, NSW.

- The Ombudsman or Dispute Assessment Officer will consider your appeal and make a decision. You will be provided with a written copy of the decision.
- There may be costs involved to students.
- Please note that these complaints and appeal procedures do not restrict your right to pursue other legal remedies through the Australian legal system.
- Following receipt of the decision of the external appeal, the Institute will immediately implement the decision and convey the decision to the student.
- Once decision has been made that support the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome.

To find out more about what the Ombudsman can do for you, please see the following information:

NSW

Ombudsman NSW

Level 24, 580 George Street

Sydney NSW 2000

Complaints: [ONLINE COMPLAINT FORM](#)

Tel: (02) 9286 1000; Free call (outside Sydney metro): 1800 451 524

Fax: 02 9283 2911; Web: www.ombo.nsw.gov.au

5. Timeframe for the entire process

In most circumstances, the entire complaints and appeals process should be completed as soon as practicable within 60 calendar days. However, if the Institute requires more than 60 calendar days to process and finalize the complaint or appeal, the Institute informs the complainant or appellant (student) in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant (student) on the progress of the matter.

B) Staff, trainers and third parties

Although the above procedures have been specifically written for making complaints and appeals by the Institute students against the Institute's trainers and staff, these procedures



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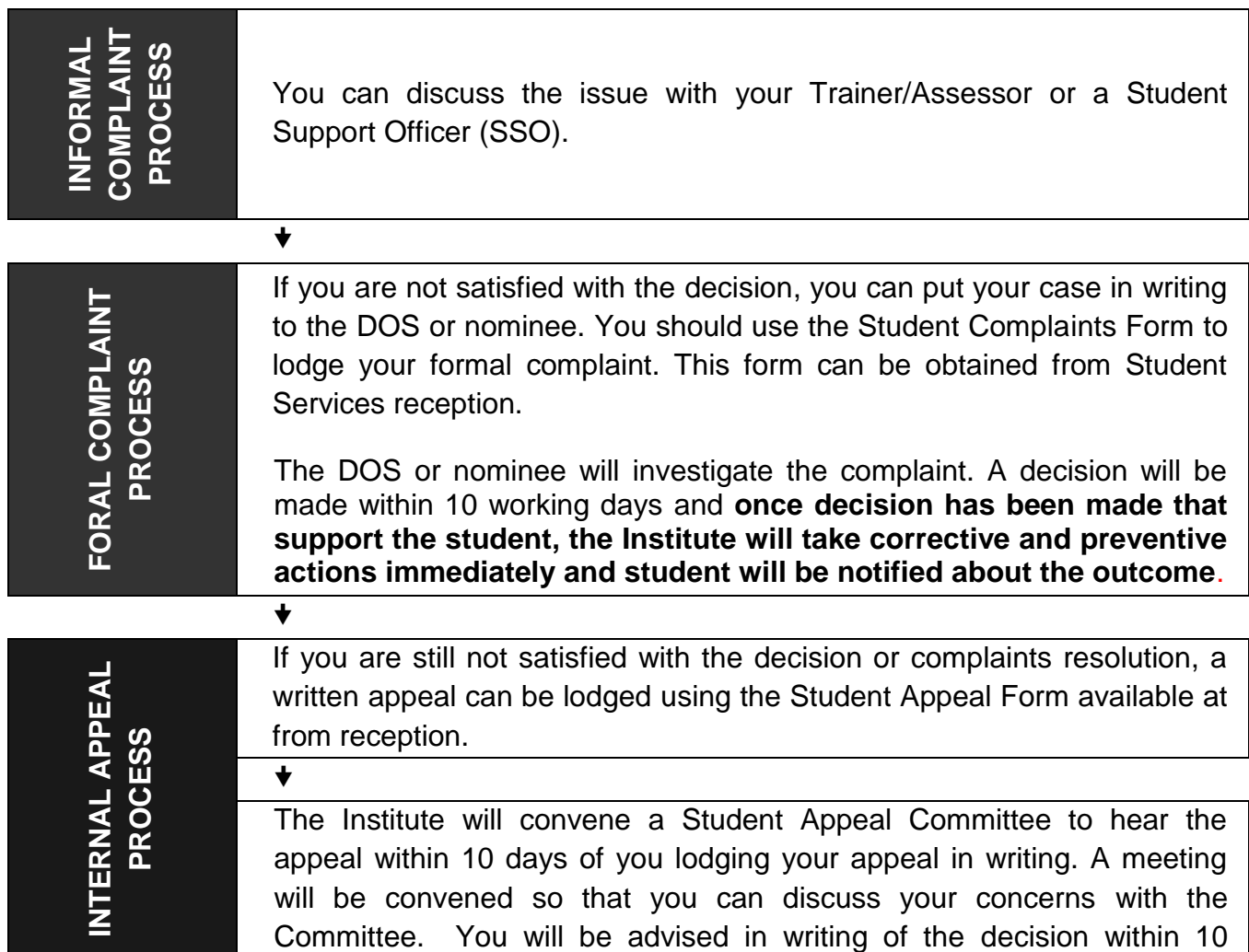
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equally apply to the Institute staff and trainers and the Institute’s third parties (e.g., education agents) who wish to complain or appeal against the services provided by the Institute or against any allegations involving the conduct of the Institute and its students, and staff and trainers. The Institute will respond to any complaints promptly by following the procedure described above for students and finalise the complaint or appeals process as soon as possible or practicable. However, if the process cannot be finalised by 60 calendar days, then the Institute informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.

C) Complaints and appeals register

The Institute will maintain records of all complaints and appeals and their outcomes, and identify their potential causes and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence as per the requirement of Std 6 of the National Code.

The Student Complaint and Appeals Procedures is summarized in this flowchart:



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working days of the meeting. **If decision has been made that supports the student, the Institute will take corrective and preventive actions immediately and student will be notified about the outcome.**



EXTERNAL APPEAL PROCESS

If you are not satisfied with the decision of the internal appeal, a written appeal can be lodged with an independent external agency for mediation.

International students can request mediation through the Overseas Student Ombudsman. To find out more about what the Ombudsman can do for you, go to <http://www.oso.gov.au> for general information. You can also ring the Overseas Student Ombudsman's office on: 1300 362 072 (in Australia) or +61 2 6276 0111 (if calling outside Australia).

Domestic students can find out more about how the Ombudsman can help by contacting the Ombudsman office in NSW, Phone: (02) 9286 1000,

or free-call 1800 451 524, web www.ombo.nsw.gov.au

If you need help with the appeal, contact the Student Support Officer.

You will be given five working days to make an external appeal and give the positive outcome of the external appeal to the institute. If you don't submit the evidence of positive outcome by COB of fifth working day, your CoE will be cancelled.

Associated Documents

- Student Complaints Form
- Student Internal Appeal Form

Revision History:

Version	Date	Description of Modifications
1	June 2013	Original
2	September 2015	Made explicit about external appeal
3	February 2017	Inclusion of 60 days requirement by the Institute if processes are not finalized earlier than that.
4	December 2017	Revised based on updated National Code released on 15 th December 2017
5	November 2019	Change in the trading name and a logo as Kingston Institute Australia



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Reference:

- *Standard 8, the National Code 2007*
- *SNR 16 and 18*