

Student Complaints, Grievances and Appeals

Procedure

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Procedure owner:	Associate Director Student Recruitment and Services
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Related policies and documents:	Student Complaints, Grievances and Appeals Policy Student Formal Grievance Complaints Form

Purpose

To ensure that all William Angliss Institute (WAI) students have access to a complaints and grievances process that ensures:

- Complaints and grievances are resolved quickly in a conciliatory manner.
- Confidentiality is maintained.
- Both the complainant (the person making the complaint) and the respondent (the person against whom the complaint is made) are protected.
- There is no recurrence of any inappropriate behaviour or any unfair treatment, act or process that may have occurred.
- That the process is not used for frivolous or vexatious complaints.
- That there are no reprisals for those registering a complaint.
- That a safe, healthy and non-discriminatory learning environment is maintained and that the Institute complies with legislative requirements.

Definitions

- **Appeal** 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 making the 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. Students complete a Student Formal Grievance/ Complaints Form.

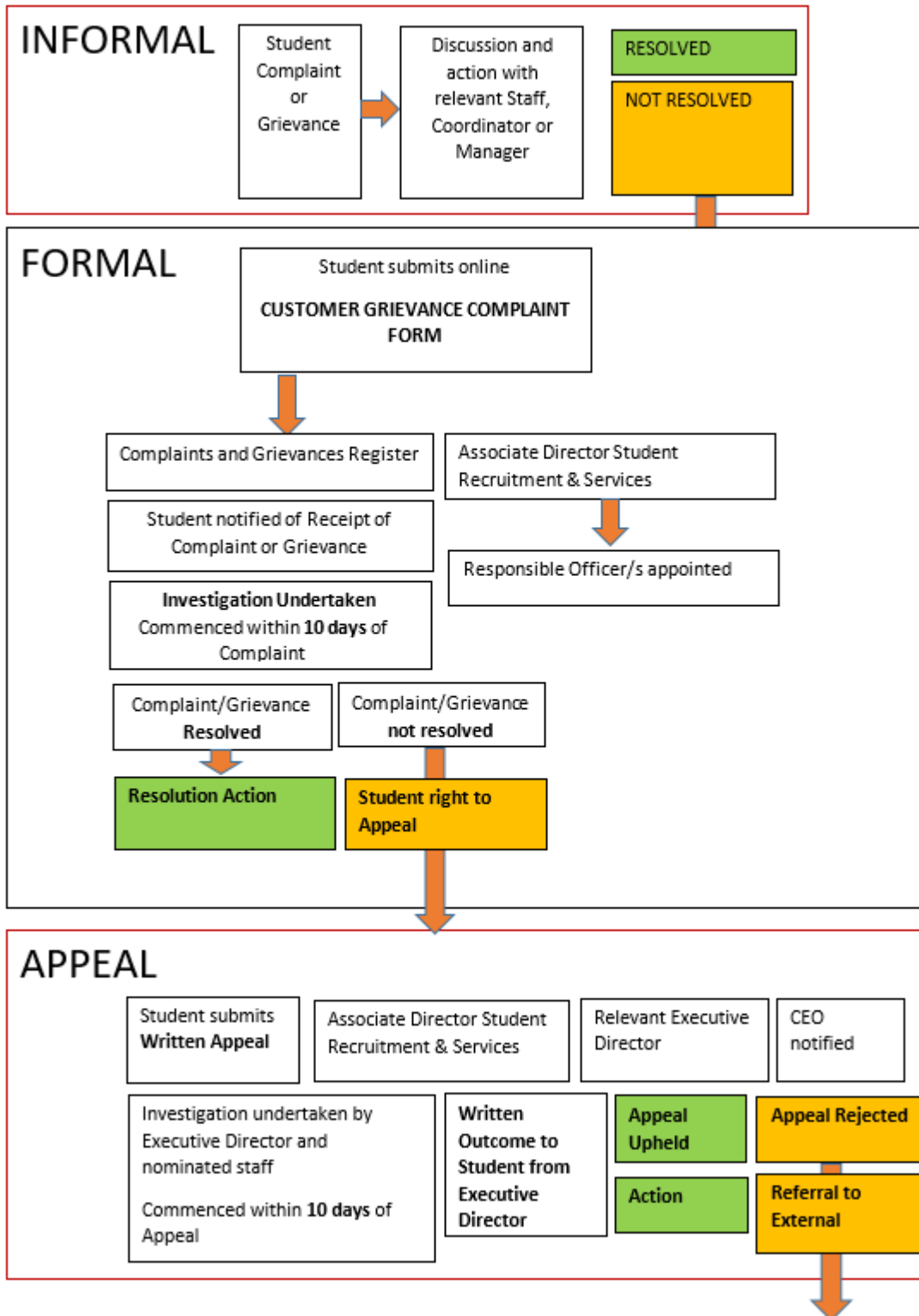
- **Grievance** a complaint based on the opinion that an individual is, or has been, receiving unfair treatment and for which a resolution process does not exist under existing policies and procedures.
- **Informal grievance** an initial complaint that is often verbal between the complainant and respondent.
- **International Student** a person enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the Institute's CRICOS Provider Code.
- **Investigator** a person nominated by the CEO to undertake and report findings of the investigation back to all parties. This nominated investigator may be a WAI staff member or an independent investigator.
- **Reasonable time frame** a time frame to be identified in discussion with the complainant by the staff member that is fair and realistic given the grievance resolution actions to be undertaken.
- **Respondent** a person against whom the complaint is made
- **Nominated Officer** WAI employee, usually a manager, Associate Director or Director that is the primary contact for the complaint or grievance.
- **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
- **Student** – for the purpose of this policy a student is a person who is enrolled in a VET 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 family member. This may not include legal counsel or a legal practitioner.
- **Third-party** means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee. Includes approved education agents for international student recruitment.
- **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.

Procedure

- The Institute will respond to any complaint, grievance or appeal a student may make regarding their dealings with the Institute or any third party that the Institute has an arrangement in the delivery of services. For international students, third parties may include the Institute's approved education representatives (agents)
- All complaints or grievances, including bullying, racial and religious vilification, sexual harassment and unlawful discrimination made by students are viewed with the utmost seriousness and treated confidentially.
- To ensure confidentiality the complaint or grievance must be handled by as few people as possible. Staff members should advise the complainant and respondent not to discuss the complaint with others and that there is to be no victimisation of the other party/parties.
- The complainant(s) maintains the right to determine the initial avenue for advice and complaint. It is in the best interest of all parties that such complaints are resolved justly and promptly. It is the intention of the Institute that no one will suffer reprisal for submitting a complaint, grievance or appeal.

- The complainant(s) and respondent(s) are to be informed of the Institute's procedure and offered the option of having a support person present, or accessing counselling prior to the commencement of, and during, the Institute conducting an investigation into the complaint.
- Complaints and grievances may be informal or formal. The difference between the two is that an informal complaint is unwritten and often unofficial and a formal complaint is in writing. Please refer to the informal complaint process and the formal complaint process outlined below.
- A complaint is resolved if the respondent undertakes to cease the behaviour, or if the complainant requests that no further action will be taken.
- All grievance documentation is to be accessible electronically on the student portal.

Complaints and Appeals Process Flowchart



Sexual harassment and sexual misconduct

- In the event that a complaint is of a sexual nature either by a staff member or student/s, it is the right of the Institute to notify the relevant authorities including Victoria police or NSW police.
- The WAI Senior Counsellor is assigned to the complainant as a support person. The complainant can engage with other support persons at any stage of the process.
- The Institute will endeavour to ensure strict confidentiality is maintained at all stages of the process.

Resolving a Grievance

The Institute has a staged framework for the management of student grievances. These stages include informal, formal and appeal, however complainants may choose to go direct to the formal stage if they prefer.

No.	Task	Responsibility	Notes
Step 1	Informal Grievance Process		
1.1.1	<p>Where the complaint is made directly to a staff member. Every effort should be made by that staff member and student/s to resolve the matter within a reasonable time frame to be discussed with the complainant(s).</p> <p>If the complaint is assessment based then during the informal process, the staff member may take such action deemed appropriate to resolve the matter. This may include but shall not necessarily require:</p> <ul style="list-style-type: none"> • Reviewing attendance (where required) and submission records; • Checking the marks for work submitted; • Discussing the marking criteria with the complainant; <p>Allowing the complainant to submit or resubmit documentation or a section of an assignment where the staff member is of the opinion that the student has valid grounds for misinterpreting what was required and this misinterpretation has led to a lower mark than may have been expected. In the case of a dissatisfied assessment result students have up to (10) ten working days to initiate an informal review of an assessment result from that the date on which the assessment work is made available for collection.</p>	Student(s) / Staff member	<p>It is expected that many concerns will be resolved at this point.</p> <p>WAI student counsellors can give students support and advice.</p>

No.	Task	Responsibility	Notes
1.2	Formal Process		
1.2.1	The complainant(s) submits the Student/ Customer Grievance/ Complaint form via the WAI website www.angliss.edu.au/current-students/administration-essentials/policies/complaints-appeals/	Student(s)	
1.2.2	<p>The Grievance/ Complaint is automatically forwarded to the Associate Director of Student Recruitment and Services and Manager Quality and Curriculum, Education Quality and Compliance.</p> <p>The Associate Director of Student Recruitment and Services will forward the Complaint or Grievance to the appropriate Executive member.</p> <p>The Executive member will nominate a Nominated Officer.</p> <p>The Nominated Officer responds to the requests for resolution of a grievance formally and will investigate the complaint further within a reasonable time frame to be discussed with the complainant(s).</p> <p>If the Nominated Officer has already been involved in the process, or has a conflict of interest, an alternate staff member will be appointed to investigate the formal grievance.</p> <p>The Nominated Officer will:</p> <ul style="list-style-type: none"> Review the Grievance/Complaints form and the outcomes of the informal resolution process (if relevant). Inform, in confidence, the respondent(s) of the nature of the complaint made and clarify any explanation given. Provide feedback to the complainant(s) of the respondent's explanation. Meet with all parties concerned (with a support person if desired) and/or may require that either or both parties or witnesses provide written comments. A record of the discussion and agreed actions will be captured by the Nominated Officer and shared with the complainant for accuracy. Seek additional information from appropriate parties concerning the subject of the grievance (which may include an independent review of an assessment). Provide information, where relevant, to the parties about what may constitute bullying, racial vilification, sexual harassment etc. and their right to refer matters to the authorities identified under any relevant legislation. 	<p>Associate Director of Student Recruitment and Services</p> <p>Nominated Officer</p>	<p>It is the duty of the Nominated Officer to keep accurate records of the complaint or grievance so as a detailed report can be provided to all parties as required.</p> <p>It is the duty of the Nominated Officer to notify the complainant of the receipt of their complaint within 10 days of it being submitted and also the outcome of their submissions.</p> <p>It is the duty the Nominated Officer to ensure that the relevant information is saved on the Complaints Register for quality and auditing purposes.</p>

No.	Task	Responsibility	Notes
1.2.3	<p>The Nominated Officer will inform the complainant of the outcome of the investigation in writing.</p> <p>In the event that the outcome of the investigation is not in favour of the complainant, they must be informed in writing of their right to appeal.</p> <p>A written report of the reasons and a full explanation of the decisions and actions taken arising from this stage of the grievance resolution process will be made available to the complainant(s) or the respondent(s) upon request.</p>	Nominated Officer	
1.2.4	<p>If the matter is unresolved in the agreed upon time frame, or the student(s) is unsatisfied with the outcome, the student(s) may again access the WAI Student Academic and Non-Academic Complaints and Grievance policy and procedure and Student/ Customer Grievance/Complaint form and make an Appeal</p>	Student(s)	
1.3	Appeal		
1.3.1	<p>If the parties are still not satisfied that the grievance has been resolved then he/she/they may write to the Nominated Officer within ten (10) days of the formal grievance resolution decision.</p>	Student(s)	
1.3.2	<p>The Nominated Officer is required to advise the relevant Executive Director that a formal complaint has been received.</p> <p>The relevant Director will then investigate the appeal.</p> <p>The relevant Director may nominate staff to assist in the investigation and will liaise with the International Office with issues relating to International students.</p> <p>The relevant Director will inform the CEO of the Appeal and notify them of progress and outcomes.</p>	Nominated Officer/CEO/ Director/ Associate Director	The Appeals process must commence within 10 days of the submission of an Appeal
1.3.3	<p>The relevant Director and nominated staff member shall conduct an inquiry and have access to all relevant information.</p> <p>The complainant(s) and respondent(s) shall be entitled to present written or verbal evidence.</p> <p>The complainant(s) and respondent(s) shall have the right to be accompanied by a support person during this process.</p> <p>The outcome of the Appeal will be communicated in writing by the relevant Director. The Appellant will be informed of the appellant's rights to seeking external investigation.</p>		

No.	Task	Responsibility	Notes
1.3.4	If the formal internal or external Grievance /Complaints or Appeals process results in a decision or recommendation in favour of the student, the Institute will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision. The student will be notified in writing of the actions taken.	Nominated Officer/Executive Director/ relevant staff Student(s)	
1.3.5	If the complainant(s) feels the grievance remains unresolved after the internal appeal process, the Institute will assist in referral of the student to an external agency such as the Ombudsman, Dispute Settlement Centre of Victoria, the Victorian Equal Opportunity and Human Rights Commission, or Consumer Affairs Victoria. The Student will be notified of this option in writing.	Nominated Officer	

Record Keeping and other duties

All outcomes, decisions and dealings associated with a grievance under this procedure, 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.

Records are to be dated, signed and stored for a period of at least five years.

A de-identified summary of complaints is saved by the Nominated Officer on the Complaints Register within 10 days of the complaint being resolved or appealed.

The Manager, Quality and Compliance is responsible for providing the Executive with regular reports as per the reporting schedule regarding complaints and grievances so as to ensure that the Institute has a focus on continuous improvement.

Other Information

For the purpose of ensuring effective implementation of the Grievance, Complaint and Appeal Policy and Procedure, This Procedure will be included in Staff Inductions and will be published electronically in the Institute's Policy and Procedure folder.

Reference to the Policy and Procedure will be included in Student Orientation.

Links to the Policy and Procedure will be available on the Institute Website and the Student portal, MyWAI and included in the Student Code of Conduct.