

Name of the Policy	PP07 Student Complaints, Grievances and Appeals Policy and Procedure
Distribution:	All Staff and Students
Entity relating to	<p>Stirling Institute of Australia Pty Ltd trading as</p> <ul style="list-style-type: none"> • Academy of Hypnotic Science • Stirling Institute of Counselling • Stirling Institute • Stirling Institute of Hypnotherapy • Stirling Institute of Business • Stirling Institute of Children’s Services
Reference to HESG:	<p>Skills First 2018-19 Contract, Schedule 1 Clause 1</p> <p>Skills First Quality Charter Principle 6</p>
Related Documents:	<p>Student Handbook</p> <p>Form 19 Students Complaints, Grievance and Appeals Form</p> <p>Feedback, Complaints Grievance Register</p>
Statutory References:	<p>National Vocational Education and Training Regulator Act 2011</p> <p>Standards for Registered Training Organisations (RTOs) 2015 Clause 5.2, Std 6</p>
Legislative Context:	<p>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</p> <p>Equal Opportunity Act 1995 (Vic)</p> <p>Age Discrimination Act 2004 (Cth)</p> <p>Disability Discrimination Act 1992 (Cth)</p> <p>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</p> <p>Racial Discrimination Act 1975 (Cth)</p> <p>Sex Discrimination Act 1984 (Cth).</p> <p>Workplace Relations Act 1996 (Cth)</p> <p>Equal Opportunity Act 1995 (Vic)</p> <p>Occupational Health and Safety Act 2004 (Vic)</p>

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1. Policy

This policy/procedure supports Stirling Institute of Australia (Stirling Institute) commitment to provide a process for complaints and appeals to be heard and actioned appropriately. All complaints and appeals received by Stirling Institute will be viewed as an opportunity for continuous improvement.

Stirling Institute recognises complaints may occasionally arise that require informal and formal resolution. The following procedures provides students the opportunity to have any issues relating to a complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved.

2. Purpose

Stirling Institute has a defined and transparent complaints and appeals process sufficiently broad to cover its activities. Stirling Institute will ensure students' complaints and appeals are recorded, acknowledged and dealt with fairly. The procedure provides the mechanisms for students to have their complaints and appeals addressed efficiently and effectively, and by an independent party if necessary.

Stirling Institute's Student Complaints, Grievances and Appeals Policy and Procedure ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and;

- Are publicly available;
- Set out the procedure for making a complaint or requesting an appeal;
- Ensure complaints and requests for an appeal are acknowledged in writing and finalised within 60 calendar days. If for any reason more than 60 calendar days are required, the complainant or appellant will be informed in writing, including the reasons why more than 60 calendar days are required.

Stirling Institute will provide the option for review by an appropriate independent party at the request of the individual making the complaint or appeal if the internal process fails to resolve the complaint or appeal.

Stirling Institute securely maintains records of all complaints and appeals and their outcomes, and identify the potential cause of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

3. Scope

This policy and procedure applies to all students, including prospective, current and completed students.

The policy applies to grievances, complaints and appeals arising between parties including student-to-student, student-to-staff member, or students involved in college-approved work or practical placement activities.

4. Definitions

Academic Concern which is a concern about academic matters, academic situation or academic process provided by Stirling Institute which the student brings to the attention of Stirling Institute in an informal way, that is, it is spoken about, not written. Examples include, but are not limited to matters related to:

- academic progress decisions;
- attendance procedures, where relevant;
- application for credit transfer or recognition of prior learning (RPL);
- assessment issues;
- a decision of a member of academic staff that affects an individual student or a group of students;
- content or structure of education and training programs or quality of teaching;
- supervision of a Practical Placement; and
- issues related to authorship or intellectual property.

Appeals arise when a student is not satisfied with the decision made as a result of the complaint.

Appellant is a person lodging an appeal to the outcome of a complaint or grievance.

Complaint is a written or verbal notification of dissatisfaction with any part of the services provided by Stirling Institute. Complaints arise when a student is not satisfied with any aspect of Stirling Institute for example:

- The procedures;
- The quality of a product or service provided by Stirling Institute;
- The trainers, staff or other students.

Complainant is a person lodging a complaint or grievance.

External Appeal is an appeal to an external agency against a final decision of the college.

Final Decision is a decision made by the member of staff authorised by the CEO to make that decision and communicated to the complainant in writing when all Internal appeal avenues within Stirling Institutes policy and procedures have been exhausted.

Grievance is a complaint of a behavior or action which has or is likely to have an unreasonable negative impact on the student in relation to their studies.

Internal Appeal is an appeal against a decision where the appeal is brought under Stirling Institute policies or where there is a process for appeal within Stirling Institute's policies and procedures

Non- Academic Concern which is a concern about non-academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by Stirling Institute which the student brings to the attention of Stirling Institute in an informal way, that is, it is spoken about, not written down. Examples include, but are not limited to matters related to:

- provision of student support services such as those associated with the application and enrolment process, and amenities;
- suspension or cancellation of enrolment for non-academic matters;
- use or misuse of personal information that the provider holds in relation to the student;
- grievances about financial matters, fines and payments;
- exclusions from events and facilities;
- job placement assistance;
- perceived discrimination;
- unfairness and injustice;
- bullying;
- sexual harassment; and
- other forms of harassment.

Respondent is a person responding to a complaint or an appeal.

5. Requirements, Process & Procedures

Stirling Institute's 'Student Complaints, Grievances and Appeals Policy and Procedure applies to all complaints, grievances and appeals managed by Stirling Institute, either informally or formally.

There are four (4) phases in the Stirling Institute's Student Complaints, Grievances and Appeals Policy & Procedure:

- **Phase 1:** Informal Discussion
- **Phase 2:** Formal Complaint
- **Phase 3:** Internal Appeal
- **Phase 4:** External Appeal

All students or potential students can access each of the four phases at any time. However, it is strongly recommended that each phase of the policy is completed before escalating to the next phase.

Phase 1: Informal Discussion

- The student is encouraged to raise the concern directly with person/s involved. For example, if the grievance is about fees, the concern should be discussed in the first instance with the Finance Manager.
- A grievance about an assessment task should be discussed in the first instance with the trainer.
- An informal discussion should take place directly between the relevant person(s) as soon as possible. The student may choose to be accompanied or assisted by a support person during the informal discussion phase.
- If the student has attempted to resolve the issue directly with the relevant person(s) and is not satisfied with the outcome or does not wish to directly approach the person(s) concerned, the student should discuss the grievance with the Training Manager as soon as possible.
- The Training Manager will consider the issue and may suggest a course of action to resolve the issue or attempt to mediate between the student and the person(s) concerned.
- The student and other person(s) directly involved will be advised in writing of the outcome within ten (10) working days from the time the grievance was raised with the Training Manager.
- A record of the discussion and its outcome will be placed on Stirling Institute's Feedback, Complaints Grievance Register by the Training Manager.
- If the student is not satisfied with the outcome, the student can escalate their grievance to Phase 2 under this policy.

Phase 2: Formal Complaint

- In the second phase, the informal discussion (i.e. Phase 1) escalates to a formal process. The complaint involves the student lodging a written complaint. The Complaint will be investigated by the Training Manager or delegate if the Training Manager is included in the complaint.
 - The student completes a Form 19 Students Complaints and Appeals Form or submits a letter to the Training Manager at Stirling Institute.
 - The student receives written acknowledgment of the complaint within ten (10) working days of the Complaint lodgment.
 - The Training Manager investigates the complaint and seeks to resolve it within twenty (20) working days of it being received by the Training Manager.
 - The student receives written notification of the outcome of the investigation within five (5) working days of finalising the investigation of the complaint.
 - If the student is not satisfied with the outcome, the student can escalate the complaint to Phase 3 under this policy.

- To proceed to Phase 2, the student MUST provide the following information in writing:
 - details of the complaint;
 - supporting information that the student wishes to have considered;
 - an explanation of the steps already taken to try to resolve the issue informally and why the responses received are not considered satisfactory; and
 - what the student thinks needs to be done to address their concerns.
- As part of investigation process, the Training Manager will discuss the issues with the person(s) concerned, and if required, may discuss it with relevant staff observing the appropriate confidentiality. A meeting with the student may be arranged to enable the student to formally present their complaint. The student may be accompanied or assisted by a support person at any such meeting.
- If the Training Manager considers that the complaint should be upheld, then relevant staff will be notified immediately to implement the actions required to resolve the complaint. The student will be provided with a written report of the steps taken to address the complaint within twenty-five (25) working days of the commencement of the complaint process.
- If the complaint is not upheld, then the student will be given a written report on the reasons for the decision. The student will also be advised of their right to access the Internal Appeals Process if not satisfied with the outcome of the formal complaint and lodge this within twenty (20) working days of the Phase 2 decision notification. The student is to notify Stirling Institute of their decision not to proceed within 20 working days
- The Training Manager will file a written record of the complaint and its outcome in the Stirling Institute's Feedback, Complaints Grievance Register.

Phase 3: Internal Appeal

If the student is not satisfied with the outcome from phase 2, the student can escalate the complaint to phase 3 under this policy. This phase is referred to as an Internal Appeal and it will be investigated through a formal process at no cost to the student. The Internal Appeal will be investigated by the CEO.

- The student submits a written request for an internal appeal using Form 19 Students Complaints and Appeals Form, or submits a letter or email to the CEO within twenty (20) working days of receipt of the written report from Phase 2;
- The CEO may:
 - make a determination based on the information already provided;
 - decide that there are insufficient grounds to take any further action, thus concluding the consideration of the matter under this Internal Appeal Phase; or
 - establish an Internal Appeal Review Panel.
- If the decision is made to establish an Internal Appeal Review Panel, the CEO convenes the Panel within 10 working days of receipt of the Appeal Request Form;
- The Internal Appeal Review Panel meets within 10 working days of receipt of the Appeal Request Form;
- The student is given at least 5 working days of notice in advance of the Internal Appeal Review Panel meeting;
- The student receives written notification within 10 working days of the Panel's decision;
- If the student is not satisfied with the outcome, the student can escalate the complaint to Phase 4 under this policy.
- The Internal Appeal Process will consider all relevant information. The student may attend and be accompanied by a support person who may speak on the student's behalf. If the complaint which is the subject of the appeal involves other person(s), they will also be invited to present their case to the Panel. A written record of the meeting must be taken.

- The student will be notified in writing within ten (10) working days of the decision of the Internal Appeal Review Panel. If the appeal is upheld, the student will be informed of the action to be taken to resolve the matter. Stirling Institute will immediately implement any decision and/or action required.
- If the Complaint is not upheld, the student will be given a written report including the reason/s for the decision and advising the student of their right to access the External Review Process.
- The CEO will file a written record of the Complaint and its outcome in the Stirling Institute Feedback, Complaints Grievance Register.

Phase 4: External Appeal

- If the Complainant is not satisfied with the outcome of Phase 3, they may request the matter be referred to an external dispute resolution process by a body appointed for this purpose by the Stirling Institute of Australia.

Dispute Assessment Officer

Disputes Settlement Centre of Victoria
Level 4, 456 Lonsdale Street
Melbourne VIC 3000
Phone: 1300 372 888
Email: dscv@justice.vic.gov.au
www.disputes.vic.gov.au

The Victorian Ombudsman

www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.gov.au
Phone: 03 9613 6222

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

Phone: 13 38 73 select Option 4, Monday–Friday, 8am to 6pm nationally.

Email: ntch@education.gov.au

- If any student (complainant) is not satisfied with the outcome of the formal complaint and appeal process they can escalate the complaint to ASQA at:
Web: <https://rms.asqa.gov.au/registration/newcomplaint.aspx>
Email: asqanet@asqa.gov.au
Call: ASQA info line on 1300 701 801
- If an appeal is against Stirling Institute's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Stirling Institute only needs to await the outcome of the internal appeals process (supporting Stirling Institute) before implementing its decision to change the student's enrolment status.
- Where a decision or outcome is in favour of the student Stirling Institute shall follow the required action and recommendations from the Ombudsman to satisfy the student's complaints as soon as practicable.
- The decision of the independent mediator is final; however, it does not limit the rights of individuals to take action under Australia's Consumer Protection Laws. Also, this policy and procedure does not circumscribe an individual's rights to pursue other legal remedies.

6. Register and Record Keeping

- A register of all Complaints and Appeals lodged is maintained confidentially by the relevant Stirling Institute staff and includes:
 - Names of relevant parties
 - The complaint being made / decision being appealed
 - Outcome of the complaint / appeal (including reasons, in the case of an appeal)
 - The name and position of the person/s making the decision
- At all stages of the complaints and appeals process, including any discussions, will be recorded in writing and available to the complainant or respondent if requested.
- All records relating to complaints and appeals will be kept for a period of five (5) years. Any records or documentation is to be kept strictly confidential and stored securely in the Student Management System (VETtrack).

7. Responsibility

All staff and clients adhere to Stirling Institute’s Policies and Procedures.

The Quality and Compliance Manager with direct access to the CEO, has the responsibility to ensure that Stirling Institute complies with all of the statements and processes included in this document and maintains these standards across all of the areas of operation.

8. Review Date

12 months from the date of this version, or as required.

9. Version History

Version Number	Date	Reason for change	Prepared By	Approved By
4	10/8/2016	New template, Mapping to SRTOs 2015	Jennifer Sorthi	CEO
2018_v2.0	June 2018	Review	Quality & Compliance Manager	CEO
V3	September 2018	Updated language – renamed PP07 Student Complaints, Grievances and Appeals Policy and Procedure	Quality & Compliance Manager	CEO
V4	December 2018	Updated language to align with business strategy	Quality & Compliance Manager	CEO