

Name of the Policy	PPI07 International 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 2023 Contract, Schedule 1 Clause 1</p> <p>Skills First Quality Charter Principle 6</p>
Related Documents:	<p>International Student Handbook</p> <p>Form 19 Students Complaints, Grievance and Appeals Form</p> <p>Feedback, Complaints Grievance Register</p> <p>PP02 International Fees Refunds</p> <p>PP43 Deferment, Suspension or Cancellation</p> <p>PP44 Transfer of Students Between Providers</p> <p>PP45 International Course Progress Monitoring and Reporting Transfer</p> <p>PP47 Student Misconduct including Student Code of Conduct</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 (TOID: 21132 CRICOS: 03979M) (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 on Stirling Institute's website;
- 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 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 Director of Learning 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 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.

Parties refers to a complainant and respondent.

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

5. Requirements, Process and Procedures

General Information

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 and 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 phase at any time without having to go through the sequential numbered order 1 to 4. 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 the 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 Director of Learning and/or Quality and Compliance Manager
- 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 Director of Learning within twenty (20) working days of receipt of the written report from Phase 2;
- The Director of Learning 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 Director of Learning 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 Director of Learning will file a written record of the Complaint and its outcome in the Stirling Institute Feedback, Complaints Grievance Register.

Phase 4: External Appeal

- Stirling Institute of Australia acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Stirling Institute of Australia.
 - For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). Information is available here: www.ombudsman.gov.au/making-a-complaint/overseas-students
 - Stirling Institute of Australia will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process
 - The Director of Learning will ensure that any recommendations made are implemented as soon as practicable of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

Complaints can also be made via the following avenues:

- 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

- Australian Skills Quality Authority (ASQA):

Complainants may also complain to Stirling Institute of Australia's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about Stirling Institute of Australia in relation to:

- the quality of our training and assessment
- our marketing and advertising practices

- 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.
- Enrolment status

The enrolment status of student will be handled as follows:

- For international students, Stirling Institute of Australia Pty Ltd will maintain a student's enrolment throughout the internal appeals processes without notifying DHA via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether Stirling Institute of Australia Pty Ltd maintains the student's enrolment as follows:
 - If the appeal is against Stirling Institute of Australia Pty Ltd.'s decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Stirling Institute of Australia Pty Ltd 's decision to report
 - If the appeal is against Stirling Institute of Australia Pty Ltd.'s decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Stirling Institute of Australia Pty Ltd will notify DHA via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.

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 (VETtrak).

7. Responsibility

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

The Quality and Compliance Manager with direct access to the Director of Learning, 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
1	December 2018	Initial release	Quality and compliance manager	CEO
V1.1	December 2019	Minor changes and typos	Quality and compliance manager (GDS)	CEO (DY)
V1.2	December 2020	Reviewed for currency	Quality and compliance manager (GDS)	CEO (DY)
V1.3	March 2022	Minor changes and typos	Quality and compliance manager (GDS)	CEO (DY)
V2.0	December 2023	Reviewed for currency to 2023 contract, only minor changes to grammar.	Quality and compliance manager (GDS)	Director of Learning (DY)