

Name of the Policy	PP07 Students Complaints and Appeals Policy and Procedure
Distribution:	All Staff and Students
Entity relating to	Stirling Institute of Australia Pty Ltd trading as 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:	F. C Clause 12 F. C Schedule 1, Clause 1.5
Related Documents:	PP02 Fees & Charges PP03 Student Engagement PP04 Training & Assessment PP08 Quality Management PP10 Governance and Administration PP13 Issuing AQF Certification & Statement of Attainment Student Handbook Complaints and Grievance Register
Statutory References:	National Vocational Education and Training Regulator Act 2011 Standards for RTO's – Std 6
Legislative Context:	Human Rights and Equal Opportunity Commission Act 1986 (Cth) Equal Opportunity Act 1995 (Vic) Age Discrimination Act 2004 (Cth) Disability Discrimination Act 1992 (Cth) Human Rights and Equal Opportunity Commission Act 1986 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth). Workplace Relations Act 1996 (Cth) Equal Opportunity Act 1995 (Vic) Occupational Health and Safety Act 2004 (Vic) Education and Training Reform Act 2006 (Victoria) Victorian Guidelines for VET Providers (Victoria)

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1. Policy

Stirling Institute of Australia (SIA) has a Complaints Policy to manage and respond to allegations involving the conduct of its Trainers, Assessors or other staff and students enrolled in a training program with Stirling Institute of Australia.

Stirling Institute of Australia has an Appeals Policy to manage requests for a review of decisions, including assessment decisions made by Assessors.

2. Purpose

Stirling Institute of Australia has a defined and transparent Complaints and Appeals process sufficiently broad to cover its activities. Stirling Institute of Australia 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. This Complaints policy is also publicly available.

Stirling Institute of Australia Complaints and Appeals policy ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and;

- a. Are publicly available;
- b. Set out the procedure for making a complaint or requesting an appeal;
- c. Ensure complaints and requests for an appeal are acknowledged in writing and finalised within 60 days.

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

Stirling Institute of Australia 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 its procedure apply to all students including potential students enrolled or seeking to enrol in a course of study with Stirling Institute of Australia and its trading divisions.

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 vocational placement activities.

4. Definitions

Complaints: *Complaints arise when a student is not satisfied with any aspect of Stirling Institute of Australia for example:*

- The Procedures;
- The Quality of a product or service provided by Stirling Institute of Australia;
- The Facilitators, staff or other students.

Grievance- Non- Academic: 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;
- VET FEE-HELP, FEE-HELP and other fee-for-service arrangements;
- exclusions from events and facilities;
- job placement assistance;
- perceived discrimination;
- unfairness and injustice;
- bullying;
- sexual harassment; and
- other forms of harassment.

Grievance- Academic : *is a concern about academic matters, academic situation or academic process provided by the 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 Practicum or Vocational Placement; and
- issues related to authorship or intellectual property.

Please note: *The process for requesting a review of an assessment outcome forms part of the Student Assessment Policy and Procedure. Students should use this Student Assessment Policy and Procedure in the first instance if they wish to request a review of an assessment outcome. Students who remain dissatisfied with the outcome of their review may then use the following formal complaint section, Phase 2, of this policy (refer Section 6.3).*

Internal Appeal: *An appeal against a decision where the appeal is brought under ALTEC policies and code of conducts or where there is a process for appeal within ALTEC policies and procedures*

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

- Stirling Institute of Australia recognises the differences between Complaints and Appeals. A quick resolution of the matter is in the best interest of all parties concerned.
- Appeals may also arise when a student is not satisfied with an assessment outcome.
- This procedure is also included within the Student Handbook.

External Appeal: An appeal to an external agency against a final decision of the college. Agencies may include the Victorian Ombudsman, the Privacy Commissioner, the Victorian Equal Opportunity and Human Rights Commissions.

Final Decision: 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 college's policy, procedures and codes have been exhausted

Complainant: A person lodging a complaint or an appeal

Respondent: A person responding to a complaint or an appeal

5. Requirements, Process & Procedures

5.1. General Information

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

There are four (4) phases in the Stirling Institute Student Complaints 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 of the SIA Student Complaints and Appeals Policy at any time. However, it is strongly recommended that each Phase of the policy is completed before escalating to the next Phase.

5.2. Phase 1: Informal Discussion

- a. The student is encouraged to raise the grievance directly with person/s involved. For example, if the grievance is about fees, the concern should be discussed in the first instance with the Business Analyst/Training Manager.
- b. A grievance about an assessment task should be discussed in the first instance with the unit lecturer/trainer.
- c. 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.
- d. 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 Business Analyst/Training Manager as soon as possible.
- e. The Business Analyst/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.
- f. 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 Business Analyst/Training Manager.

- g. A record of the discussion and its outcome will be placed on the central Stirling Institute of Australia's Complaints Register by the Business Analyst/Training Manager.
- h. If the student is not satisfied with the outcome, the student can escalate their grievance to Phase 2 under this policy.

5.3. Phase 2: Formal Complaint

- a. 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 Responsible Officer.
 - The student completes a Complaint Form or submits a letter to the Business Analyst/Training Manager at the Institute where the student is studying or applying to enrol.
 - The student receives written acknowledgment of the Complaint within ten (10) working days of the Complaint lodgment.
 - The Business Analyst/Training Manager investigates the Complaint and seeks to resolve it within twenty (20) working days of it being received by the Business Analyst/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.
- b. 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 his/her concerns.
- c. As part of investigation process, the Business Analyst/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.
- d. If the Business Analyst/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.
- e. 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 his/her right to access the Internal Appeals Process if not satisfied with the outcome of the formal Complaint and lodge this within twenty eight (28) working days of the Phase 2 decision.
- f. The Business Analyst/Training Manager will file a written record of the Complaint and its outcome in the central SIA Complaints Register.

5.4. Phase 3: Internal Appeal

a. General Complaints

- i. 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.
- ii. The student submits a written request for an internal appeal using an Complaints and Appeals Form, or submits a letter to the Business Analyst/Training Manager within 28 days of receipt of the written report from Phase 2;
- iii. The Business Analyst/Training Manager 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.
- iv. If the decision is made to establish an Internal Appeal Review Panel, the Business Analyst/Training Manager convenes the Panel within 10 working days of receipt of the Appeal Request Form;
- v. The Appeal Review Panel meets within 20 working days of receipt of the Appeal Request Form;
- vi. The student is given at least 5 working days of notice in advance of the Internal Appeal Review Panel meeting;
- vii. The student receives written notification within 5 working days of the Panel's decision;
- viii. If the student is not satisfied with the outcome, the student can escalate the complaint to Phase 4 under this policy.
- ix. 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.
- x. The student will be notified in writing within five (5) 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. The College will immediately implement any decision and/or action required.
- xi. 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.
- xii. The Business Analyst/Training Manager will file a written record of the Complaint and its outcome in the central SIA Complaints Register.

b. Re-crediting of FEE-HELP balance

- i. Students may find they have to withdraw from their studies after the census date or they have been unable to complete their studies due to certain circumstances. Students in this situation may apply to have their FEE-HELP balance re-credited.
- ii. An application for a re-credit of fees should be made within 12 months of withdrawal from the unit of study.
- iii. In the case of decisions regarding re-crediting a person's FEE-HELP balance is reviewed by CEO.
- iv. To instigate a review of a re-crediting of FEE-HELP decision the student must make a request in writing to the Review Officer within 28 days of notification of the original decision, or later if approved by the Review Officer.
- v. The review of the decision to re-credit a FEE HELP balance will:
 - confirm the original decision OR vary the original decision OR substitute a new decision;
 - notify the student in writing of the decision and the date it will take effect;
 - provide reasons for the decision; and
 - advise the student of the external review process to the Administrative Appeals Tribunal.
- vi. The Quality and Compliance Manager will file a written record of the Complaint and its outcome in the central SIA Complaints Register.

5.5. 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.

The details for the external body and contact person are:

Dispute Assessment Officer
Disputes Settlement Centre of Victoria
Level 4, 456 Lonsdale Street
Melbourne VIC 3000
Tel: 1300 372 888
Fax: 8684 1311

Stirling Institute of Australia will give due consideration to any recommendations arising from the external review within 10 working days of the receipt of the recommendations.

6. Register

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

7. Responsibility

All staff and clients adhere to Stirling Institute of Australia Policies and Procedures. The Operations Manager with direct access to the CEO, has the responsibility to ensure that Stirling Institute of Australia complies with all of the statements and processes included in this document and maintains these standards across all of the areas of operation of Stirling Institute of Australia.

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