

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Policy Statement	This policy and procedure supports: <ul style="list-style-type: none"> • TEQSA, Higher Education Standards Framework, (Threshold Standards) 2015, Standards 2.4, 6.2, 7.2 and 7.3 • Standards for Registered Training Organisations (RTOs) 2015, Clauses (6.1-6.5) • National Code Practice for Provider of Education and Training to Overseas Students 2018, Standard 10.
Responsibility for Implementation	Higher Education Administrator, VET Administrator, Executive Dean, Associate Deans, Head of Vocational Education (VET), Managing Director/CEO, Chair Academic Board
Compliance and Monitoring	Chair of Academic Board, Managing Director/CEO, Governing Board

Purpose

This policy is to enable students, enrolled or seeking to enrol in Higher Education or VET programs at Kent Institute Australia (Kent) access to clear and transparent complaints and appeals processes.

Scope

All students seeking to enrol or are currently enrolled at Kent.

Aim

To detail the process in relation to the complaints and appeals process and to ensure that students have access to a fair and just process, where resolution to a complaint or appeal is managed in a timely and constructive manner.

Definitions

Appeal – an escalation of a student’s complaint to either an internal or external process for resolution.

Complaint – a student may be dissatisfied with an outcome from a management decision, Kent operation or service, conduct of institution personnel or other circumstance arising from interaction in the course of study at Kent and/or utilisation of Kent’s facilities. A complaint is the result of the student’s action to raise the matter in an attempt to remedy the situation and have it reviewed by the appropriate institution authority.

Key Requirements

- Kent will provide each complainant or appellant an opportunity to present his or her case formally.
- Students are encouraged to discuss their issues with a relevant staff member to endeavour to address the complaint informally.
- Students unsatisfied with the informal complaint or appeal process are encouraged to lodge a formal complaint or appeal using the Kent Student Complaints and Appeals Form.
- The Complaints and Appeals resolution process will take place within ten (10) working days from the date of submission of the completed Complaints and Appeals Form.
- Kent will ensure that all staff are fully trained in the Complaints and Appeals operation and students are made aware of the availability of this process.
- The student’s enrolment will be maintained until the completion of the internal complaints and appeals process.

PROCEDURE

1.0 INFORMAL PROCESS

Before an issue becomes a formal complaint

Where possible informal attempts shall be made to resolve a complaint. The complainant is encouraged to discuss their complaint with a relevant Kent staff member to seek its effective resolution.

2.0 FORMAL PROCESS

The following information details the circumstances related to various student complaints/appeals that may arise and defines the 'classification' by which Kent will address the matter:

2.1 *Academic Complaints/Appeals*

Relates to issues such as: attendance records, academic misconduct, unit/course content, assessments, course credit, course delivery, course transfers, deferrals, suspensions or cancellation of enrolment decisions and other academic matters.

2.2 *Non Academic Complaints/Appeals*

Relates to issues such as: fees, enrolments, student records, medical certificates, bullying and discrimination, course release, inappropriate behavior such as harassment, abusive language and sexual misconduct.

2.3 *Academic Monitoring and Intervention Complaints/Appeals*

Due to the specific nature of the management processes related to academic monitoring and intervention **complaints** the course progression process is managed by the Student Services Unit. Reference to the Kent Academic Monitoring and Intervention Policy & Procedure for the relevant course of study either Higher Education or VET is required. Refer to ([Documents](#) > *Student Policies and Forms* > *POLICY– Academic Monitoring & Intervention Policy & Procedure – Login Required*).

The Governing Board will review all reports relating to Complaints and Appeals on an annual basis.

3.0 Formal Complaints Procedures:

3.1 *Step One*

A student must complete and submit a Kent Student Complaints and Appeals Form. ([Documents](#) > *Student Policies and Forms* > *FORM – Student Complaints and Appeals Form – Login Required*) The completed Complaints and Appeals Form, together with any relevant supporting documentation should be submitted to the Kent Higher Education Administrator (HEd courses) and VET Administrator (VET courses).

The Higher Education Administrator or VET Administrator will acknowledge receipt of the student's Complaints and Appeal Form and will forward directly on to the Executive Dean and log the complaint in the **Complaints and Appeals Register**. In the case of an Academic Monitoring and Intervention complaint the 'Student Complaints and Appeals Form' is submitted to the Executive Manager Student Engagement. Refer to ([Documents](#) > *Student Policies and Forms* > *POLICY– Academic Monitoring & Intervention Policy & Procedure – Login Required*).

3.2 *Step Two*

The Executive Dean (HEd courses) or Head of Vocational Education (VET courses) will meet with the complainant, his/her support person along with other relevant parties involved in an attempt to resolve the situation. This process will commence within ten (10) working days of formal lodgment of the Complaint and Appeals Form.

The complete record of the formal complaint and appeal process will be maintained in the student's file and a written statement of the outcome will be provided to the student.

4.0 Formal Appeals Procedures

4.1 Step Three

a) Academic Appeals and Non-Academic Appeals

If the Complaint is not resolved and the student remains dissatisfied with the outcome of their complaint, an Appeal can be lodged by completing and submitting a new Kent Student Complaints and Appeals Form. ([Documents](#) > *Student Policies and Forms* > *FORM – Student Complaints and Appeals Form – Login Required*)

Once completed, the form should be submitted to the Higher Education Administrator (HEd courses) and VET Administrator (VET courses) along with any relevant supporting documentation.

Academic Appeals will be referred to the Chair of Academic Board and **Non Academic Appeals** will be referred to Kent Managing Director, who will determine if due process has been followed when determining the outcome of the Appeal.

This Appeal must be lodged **within twenty (20) working days from the date of the Kent written decision statement provided by the Executive Dean (HEd courses) or Head of Vocational Education (VET).**

b) Academic Monitoring and Intervention Appeals

Due to the specific nature of the management processes related to academic monitoring and intervention **appeals** the course progression process is managed by the Student Services Unit. Reference to the Kent Academic Monitoring and Intervention Policy & Procedure for the relevant course of study either Higher Education or VET is required. Refer to ([Documents](#)> *Student Policies and Forms* > *POLICY– Academic Monitoring & Intervention Policy & Procedure – Login Required*).

5.0 Academic Appeals

The Chair of Academic Board may:

- Dismiss the Appeal, giving reasons, in writing, to the Appellant within ten (10) working days of receipt of the Appeal, or
- Convene an 'Appeals Panel' to consider the Appeal.

In the normal course of events, there is no fee or charge for students to access the Complaints and Appeals procedure.

The Chair of Academic Board will review all documentation and shall make a decision based on the grounds of the Appeal. The Complainant will be notified in writing of the outcome and the findings will be logged in the **Complaints and Appeals Register**.

6.0 Non-Academic Appeals

The Kent Managing Director or nominee may:

- Dismiss the appeal, giving reasons, in writing, to the Appellant within ten (10) working days of receipt of the Appeal, or
- Convene an Appeals Panel to consider the Appeal.

In the normal course of events, there is no fee or charge for students to access the Complaints and Appeals procedure.

Kent's Managing Director, or nominee will review all documentation and shall make a decision based on the grounds of the Appeal. The Complainant will be notified in writing of the outcome and the findings will be logged in the **Complaints and Appeals Register**.

7.0 Convening an Appeals Panel

7.1 *Academic Appeals:*

The Chair, Academic Board will convene the 'Appeals Panel'.

The Appeals Panel will comprise: -

- Chair, Academic Board – (*Chair of the Appeals Panel*)
- Two (2) additional members who have had no previous involvement in the particular complaint.

7.2 *Non-Academic Appeals: -*

The Kent Managing Director will convene the 'Appeals Panel'.

The Appeals Panel will comprise: -

- Kent Managing Director – (*Chair of the Appeals Panel*)
- Two (2) additional members who have had no previous involvement in the particular complaint.

8.0 Procedures for an Appeals Panel

- The Appeals Panel must meet within ten (10) working days of receiving the documentation on which the Appeal is based.
- The Appeals Panel will be provided with the date for a Hearing, a copy of the Complaints and Appeals Form along with any supporting documentation at least three (3) working days prior to the Hearing.
- The Appeals Panel will invite the appellant and the respondent and any other relevant person(s) to attend a Hearing, within five (5) working days in writing (via email). When giving such notice, the Appeals Panel Chair will indicate the names of all those invited to attend and copies of all written documentation to be considered.
- The Appellant and/or Respondent may nominate a support person(s) to attend the Hearing. The name(s) and contact details must be notified to the Chair of the Appeals Panel at least three (3) working days prior to the Hearing.
- Formal legal representation is permitted, only in very exceptional circumstances, and then only with the prior approval of the Chair of the Appeals Panel.
- Both the Appellant and Respondent and, if necessary, their support person(s), may address the Hearing, and/or question any person(s) involved in the Hearing, including the Chair and Appeals Panel.
- Any relevant person unable to attend the Hearing may, subject to the Appeals Panel's approval, submit a written statement to the Appeals Panel prior to the Hearing date.
- Where all reasonable steps have been taken, without success, to contact the Appellant and/or Respondent, the Appeals Panel may decide to conduct the Hearing in their absence, provided that the Appeals Panel believes there is sufficient information and documentation for a fair and reasonable decision on the Appeal to be made.
- Following the Hearing, the Appeals Panel will meet in private, to make its final deliberations and decision.

The Appellant will be given a written statement of the outcome of the Hearing, including details of the reasons for the outcome. The findings will be logged in the **Complaints and Appeals Register**.

All Complaints and Appeals will be finalised as soon as practicable.

In the event a Complaint is substantiated, there is a range of options for redress that are commensurate with the severity and complexity of the Complaint. Possible remedies to a Complaint may include:

- An apology
- Change of decision
- Change of policy, procedures or practice
- Correction of misleading or incorrect records

Students will be notified in writing in relation to which redress option has been invoked.

The student's enrolment will be maintained until the completion of the internal Appeals process.

In the event the student is not satisfied with the result or conduct of the internal complaints and appeals process, Kent will advise the student of their right to access the external appeals process at minimal or no costs.

9.0 External Appeal

If a student wishes to appeal against Kent's outcome from the initial internal processing of the Appeal/Complaint (either it be a matter of 'academic', 'non-academic' or via the 'academic monitoring and intervention' due process), the student may seek to take the Appeal/Complaint to an external body. The details of external bodies that are compliant with regulatory authority standards and/or requirements are listed below :

9.1 *VET Students*

Australian Council of Private Higher Education and Training (ACPET)

If the student is an Australian, (by birth, citizenship or permanent resident status), the student may contact ACPET by email to student.appeals@acpet.edu.au or by post to Student Appeals, ACPET, PO Box 551, East Melbourne VIC 8002.

National Training Complaints Hotline

If the student is an Australian, (by birth, citizenship or permanent resident status), the student also has the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline on 13 38 73.

9.2 *All Students*

External Independent Arbiter - Resolution Institute

'Resolution Institute' is a community of mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals. Kent is a member of the Student Mediation Scheme- <https://www.resolution.institute/membership-information/student-mediation-scheme>.

Level 1 and 2, 13-15 Bridge Street

Sydney NSW 2000

Phone: (+61 2) 9251 3366 or 1800 651 650

Email: infoaus@resolution.institute

www.resolution.institute

9.3 *All International Students*

Overseas Student Ombudsman (OSO)

The OSO is the independent, external complaints and appeals body for international students studying with private education providers. The OSO can investigate complaints and appeals from

intending, current and former international students about private colleges, universities and schools.

The OSO offers a free and independent service for overseas students who wish to appeal against a decision made by their private education or training provider in Australia.

GPO Box 442 Canberra ACT 2601

Phone: 1300 362 072

www.oso.gov.au

If the relevant external review process supports the student, Kent will implement any decision and/or actions required and so advise the student in writing within five (5) working days.

10.0 Fair and Just Process

No Complainant, Appellant or Respondent will be victimised or discriminated against in the course of the carrying out of the complaints and appeals processes, either internal or external, delineated in this policy.

11.0 Records and Confidentiality

Records of all complaints and appeals will be maintained in strict confidence, in the student's file and, where relevant, the Respondent's personal file and in a **Complaints and Appeals Register**, for a period of seven (7) years.

The Complaints and Appeals processes does not remove the right of the student to take action under Australia's consumer protection law or other relevant State laws.

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AMENDMENTS	
21/09/2016 – Update to include reference to independent Arbiter and information regarding external complaints and appeals body for international students.	
30/10/2017 – Update Policy Statement for reference to National Code 2018.	