



## COMPLAINTS AND APPEALS POLICY AND PROCEDURES

<b>Policy Statement</b>	This policy and procedure supports: <ul style="list-style-type: none"><li>• TEQSA Higher Education Standards Framework, (Threshold Standards) 2021, Domain 2 Section 2.4, Domain 6 Section 6.2, Domain 7 Sections 7.2 and 7.3</li><li>• ASQA Standards for Registered Training Organisations (RTOs) 2015, Clauses (6.1-6.5)</li><li>• National Code Practice for Provider of Education and Training to Overseas Students 2018, Standard 10.</li></ul>
<b>Responsibility for Implementation</b>	Higher Education Administrator, VET Administrator, Executive Dean, Associate Deans, Head of Vocational Education, Manager Student Services, , Chief Operating Officer, Chief Executive Officer (CEO)/Managing Director, Chair Academic Board
<b>Compliance and Monitoring</b>	CEO/Managing Director, Governing Board, Academic Board, Manager Risk and Compliance/Governing Board Secretary

### Purpose

This policy is to enable students, enrolled or seeking to enrol in Higher Education (HEd) or Vocational Education and Training (VET) courses at Kent Institute Australia (Kent) access to clear and transparent complaints and appeals processes about any aspect of their experience with Kent, including academic and administrative decisions and Kent agents or related parties.

### Scope

All students seeking to enrol, are currently enrolled or previously 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, or appeal against a decision made by Kent, to either an internal or external process for resolution.

**Complaint** – where a student is dissatisfied with an outcome from a management decision, Kent operation or service, conduct of institution personnel or related parties, 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

- Students are encouraged to discuss their issues with a relevant staff member to endeavour to address a complaint informally in the first instance.
- Kent will provide each complainant or appellant an opportunity to present his or her case formally.
- Students not satisfied with the informal complaint process are encouraged to lodge a formal complaint using the *Kent Student Complaints and Appeals Form*.
- Students not satisfied with a decision made by Kent, or an outcome of a formal complaint, can lodge an 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 *Student 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 and where relevant, during the external appeals period.
- Students will not incur any costs in accessing Kent's Complaints Resolution Processes

## 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, 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, course transfers, deferrals, suspensions or cancellation of enrolment decisions, inappropriate behaviour such as harassment, abusive language and sexual misconduct. (N.b. Where the complaint involves sexual misconduct additional reporting and recording processes and considerations, as outlines in the Sexual Misconduct Prevention and Response Policy and Procedures apply).

#### ***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 & Procedures* for the relevant course of study either Higher Education (HEd) or Vocational Education & Training (VET) is required.

## 3.0 Formal Complaints Procedure

### 3.1 Step One

A student must complete and submit a Kent Student Complaints and Appeals Form. The completed Complaints and Appeals Form, together with any relevant supporting documentation should be submitted to the Kent HEd Administrator (HEd courses) and VET Administrator (VET courses) for academic complaints and the Manager Student Services for non-academic complaints.

The HEd Administrator, VET Administrator or Manager Student Services will acknowledge receipt of the student's Complaints and Appeal Form and will forward directly on to the relevant campus designated officer

Campus Designated Officers are:

- Executive Dean (Academic complaints HEd courses)
- Head of Vocational Education (Academic complaints VET courses)
- Chief Operating Officer (Non-academic complaints).

Designated Officers will log the complaint in the **Complaints and Appeals Register located on the Kent Group Network Drive**. Complaints involving Sexual Misconduct will be referred to the Chief Risk and Compliance Officer for recording in the Sexual Harm Register.

### 3.2 Step Two

The campus nominated officer will investigate the issue and meet with the complainant and a support person (if applicable) together with other relevant parties involved in an attempt to resolve the situation. This process will commence within ten (10) working days of formal lodgement of the Complaint and Appeals Form.

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

(N.b. Where the complaint involves sexual misconduct, Chief Operating Officer will be required to report the case to the CEO/Managing Director, the Chair of the Sexual Misconduct Taskforce for resolution as outlined in the Sexual Misconduct Prevention and Response Policy and procedures apply).

## 4.0 Formal Appeals Procedure

### 4.1 Step One

If the complaint is not resolved and the student is still not satisfied with the outcome or the process handling of their complaint, an appeal can be lodged by completing and submitting a new Kent Student Complaints and Appeals Form.

Once completed, the form should be submitted to the Kent HEd Administrator (HEd courses) and VET Administrator (VET courses) for academic appeals and the Manager Student Services for non-academic appeals together with any relevant supporting documentation.

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

**Non Academic Appeals** will be referred to the Chief Executive Officer (CEO)/Managing Director or nominee, 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 campus nominated officer.**

In the case of an Academic Monitoring and Intervention, complaint the *Student Complaints and Appeals Form* is submitted to the Chief Operating Officer.

## 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.

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 CEO/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 CEO/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 CEO/Managing Director or nominee will convene the 'Appeals Panel'.

The Appeals Panel will comprise: -

- Kent CEO/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 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.
- The Appeals Panel will be provided with the date for a Hearing, together with a copy of the Complaints and Appeals Form along with any supporting documentation 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 appeals will be finalised as soon as practicable.

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

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, the student may seek to take the Appeal 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

### **Independent Tertiary Education Council Australia (ITECA)**

If the student is an Australian, (by birth, citizenship or permanent resident status), the student may make contact with ITECA National Office by email to: [enquiry@iteca.edu.au](mailto:enquiry@iteca.edu.au) or by post to Student Appeals, ITECA, GPO Box 450, Canberra, Australian Capital Territory, 2601.  
National Office Contact Phone Number: 1300 421 017

### **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/membershipinformation/studentmediation-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](mailto:infoaus@resolution.institute)

[www.resolution.institute](http://www.resolution.institute)

## **9.3 All International Students**

Commonwealth Ombudsman The Office of the Commonwealth Ombudsman investigates complaints that international students have with private education providers.

The Office of the Commonwealth Ombudsman 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](http://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. Where a formal complaint or appeal is upheld, any action required will be initiated promptly by Kent.

## **11.0 Records and Confidentiality**

With the exception of complaints involving Sexual Misconduct, 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. Parties who have accessed the Kent Complaints and Appeals Policy and Procedures may request access to records regarding the complaint and or appeal. Requests for information will also be maintained confidential.

Complaints involving Sexual Misconduct will be considered by the Sexual Misconduct Tribunal and recorded in the Sexual Harm Register by the Chief Risk and Compliance Manager.

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.

## 12.0 Reporting

The Governing Board retain oversight over complaints and appeals via the Audit and Risk Management Committee who will receive statistics pertaining to complaints and appeals at each of its meetings and an annual report for each calendar year.

<b>Document Title:</b> Complaints & Appeals Policy and Procedures	
<b>Date Compiled:</b> January, 2012	<b>By:</b> Associate Dean
<b>Due Date for Review:</b> November, 2022	<b>Website Access Permission:</b> Public and Student
<b>Date Updated:</b> 10 <sup>th</sup> September, 2014; 16 <sup>th</sup> July, 2015 (no version control change) 21 <sup>st</sup> September, 2016 30 <sup>th</sup> October, 2017 (no version control change) 22 <sup>nd</sup> October, 2018 9 <sup>th</sup> October, 2019 30 <sup>th</sup> January, 2022	<b>Reviewed by:</b> CEO Executive Dean Executive Manager Student Engagement Executive Manager Student Engagement CEO Executive Dean Executive Dean
<b>Version Control Update (Current):</b> Version 2 – 10 <sup>th</sup> September, 2014 Version 3 – 21 <sup>st</sup> September, 2016 Version 4 – 22 <sup>nd</sup> October, 2018 Version 5 – 30 <sup>th</sup> January 2022	<b>Endorsed by:</b> Academic Board <b>Meeting Date:</b> 13 <sup>th</sup> November, 2014 – Written Resolution 28/10/2014 <b>V3</b> 21 <sup>st</sup> September, 2016 <b>V4</b> 7 <sup>th</sup> November, 2018  <b>Approved by:</b> Governing Board <b>Meeting Date:</b> <b>V2</b> 10 <sup>th</sup> December, 2014 <b>V3</b> 12 <sup>th</sup> October, 2016 <b>V4</b> 5 <sup>th</sup> December, 2018  <b>Executive Chair</b> – 9 <sup>th</sup> October, 2019 <b>V5</b> – Governing Board 2 <sup>nd</sup> February 2022
<b>AMENDMENTS</b> <b>21/09/2016</b> – Update to include reference to independent Arbiter and information regarding external complaints and appeals body for international students. <b>30/10/2017</b> – Update Policy Statement for reference to National Code 2018. <b>22/10/2018</b> – 12 month review – review of procedures to add campus designated officers and the appeal process. <b>09/10/2019</b> – 12 month review – minor amendment to update Kent position titles and Business Management System Hyperlinks. Update ACPET to new title ITECA and updated National Office contact details. <b>30/01/2022</b> – Refined section 11 to include allowance for all parties to request access to their records regarding complaints and appeals, added explicit references to agents and related parties and Section 12 – Reporting.	

06/12/2023 – Incorporate changes required by the concurrent amendment of the Sexual Misconduct Prevention and Response Policy and procedures. Updates to reflect the current organisational structure.