

Student Complaints and Grievance Policy

1.0 Purpose

The purpose of this policy is to provide guidance to students, prospective students and other persons engaged with Bendigo Kangan Institute (BKI), who wish to express a complaint or grievance about the service or activities of BKI. During course activities, students may have some concerns with the processes they are being exposed to or they may be unhappy with a particular aspect of the program. BKI undertakes to provide a mechanism which allows for the fair and equitable resolution of any issues.

2.0 Scope

This policy relates to students, prospective students, guardians of students, employers of students, agents or brokers, other people engaging with BKI in conducting the business of education.

This policy does not include the rights of appeal for an assessment judgement, which is covered under the Assessment Appeals procedure and the Training and Assessment Policy. Further information in relation to International Student Appeals can be found in the International Students suite of policies and procedures. Information included in this policy is general.

3.0 References

Education and Training Reform Act 2006
ESOS Act 2000
National Code of Practice 2018
Occupational Health and Safety Act 2004
Equal Opportunity Act 2010 (Vic)
Disability Discrimination Act 1992 (Cth)
Disability Standards for Education 2005 (Cth)
Standards for RTO's 2015
Guidelines for Non-school Senior Secondary Education Providers 2017
Victorian Curriculum and Assessment Authority website (VCAA)
TAFE VET Funding Contract/s
BKI's Code of Student Behaviour Policy
BKI's Student Code of Conduct
Student Welfare and Accessibility Policy
Fees and charges and Refunds Policy
Student Grievance Procedure
Child Safety Policy
Mandatory Reporting Procedure

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4.0 Policy Statement

BKI student complaints and grievance policy manages allegations involving the conduct of:

BKI, its trainers, assessors or other personnel; or

the third party representatives, trainers, assessors or other personnel; brokers or agents contracted by BKI; or current and prospective BKI students.

This policy strives to make it simple for students to engage with the personnel of BKI about any concerns they have in order to avoid minor issues becoming larger.

BKI's complaints process is publicly available on the BKI website and available for download, or it can be provided to all prospective students and current students as well as their guardians upon request

BKI's complaints process follows the principles of natural justice and procedural fairness by allowing anyone who is a subject to a decision by BKI, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

This policy provides avenues for expressing a complaint informally, formally and to appeal a decision resulting from an initial complaint and to request the matter to be heard by an independent arbiter.

All complaints will be handled with discretion, integrity and in a timely manner, confirming and acknowledging receipt of the complaint and advising the expected timeframe for investigation of the complaint and response. The complainant is to be informed of progress at all stages of the process and has the right to appeal a decision.

5.0 Informal Complaints and Grievances

A complainant may wish to raise a complaint or grievance informally. In the first instance, if appropriate, this may be able to lead to a local resolution of the issue at hand. If the matter is able to be addressed to the satisfaction of the complainant, then the issue would be deemed closed with no further action required.

Informal options to address a grievance could include a conversation either face to face or via electronic means between student/s and their teacher or other staff member for example customer support staff.

At the local level, BKI staff should record the matter as raised by writing a note and forwarding the note to the complaints system requesting that the matter be closed informally so that trends can be identified. A complaint or grievance may be an indicator of a systemic issue thus it is important to record the complaint.

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5.2 Formal Complaints and Grievances

If a complaint or grievance is not able to be dealt with locally or informally, then the complaint should be raised formally. **All complaints must be acknowledged within ten working days of receipt** and a timeframe must be provided for the anticipated investigation and resolution.

All formal complaints are to be made using the appropriate Feedback/Complaints form available on the Bendigo TAFE and Kangan Institute websites and it will be received by Academic Governance and Quality (AG&Q) team members who will then log the issue and forward on to the appropriate BKI department for attention.

If a student does not use the form, but prefers to lodge the complaint verbally or by email or letter, the staff member receiving the complaint is to log the complaint using the Customer Feedback Process located on the website.

The teaching department must provide a response to AG&Q in relation to the complaint or grievance **as soon as practicable after being notified of a complaint or grievance.**

Where a BKI teaching department considers that it will take longer than 60 calendar days for a complaint to be processed and finalized, the complainant must be informed in writing of the reasons why more than 60 days are required. The complainant must also be updated at least monthly of the progress of the assessment of the complaint. (This is a requirement as per Standard 6.4 of the Standards for RTO's)

The assessment or investigation of the complaint must be professional, fair and transparent. The complainant must be able to present their case and be accompanied and assisted by a support person if requested.

Once a complainant is determined, the complainant will be informed of any decisions or outcomes concluded in writing, with reasons provided for the decisions or outcomes. With this notification, all complainants will receive information on how they can escalate their complaint if unsatisfied with the resolution measures put in place.

5.2.1 Escalation options

If the complainant is not satisfied with the outcome, they may escalate the complaint in writing to the Executive Director of the area in question, requesting that the appeal be reviewed by an external party (refer to the Student Complaint/Grievance Procedure for details).

Escalated complaints are to include the following information:

- Submission date of complaint;
- Name of complainant;
- Contact details of the complainant

- Nature of complaint;
- Reasons why the complainant is not satisfied with the outcome of the original complaint; and
- Any other relevant information or attachments (if applicable).
- Any evidence that is applicable to their appeal

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- Any applicable deadlines or reasons for the complaint to be determined in a particular timeframe. (i.e. – visa requirements.)

5.2.2 Internal Grievance Appeal Panel

The first stage of the escalation will involve the convening of a Grievance Appeal Panel to examine the findings of the initial response, request further evidence or questioning of witnesses, and provide findings to the complainant.

The convening of the Appeals Panel will be undertaken within ten working days of receiving a request for a formal appeal. Once the appeal has been determined the Appeals Panel will communicate its decision to all parties in a written report outlining the reasons for the decision within ten working days.

5.2.3 External appeal

If the Complainant is still unsatisfied with the results of the Grievance Appeal Panel, they may request a further, final review of the issue by an independent external appeal person or organisation. A variety of appeals/dispute resolution agencies may be able to hear appeals. This can include entities such as Ombudsman schemes, Dispute Settlement Centre of Victoria and specific appeals bodies depending on the particular student co-hort. The process for requesting an external appeal is outlined in the Student Grievance and Complaints Procedure.

5.3 Complaints by VCAL Students

Complaints specifically in relation to a breach of the minimum standards for VCAL by BKI may differ from other processes. For instance, the VRQA is able to investigate whether the processes used by BKI to determine a complaint were fair and consistent with its stated policies.

Certain types of complaints by VCAL students are able to be brought to the VRQA. They include complaints about an alleged breach of democratic principles, a lack of information about a provider's performance, the right of a student to access information about their academic achievement and not meeting minimum Child Safe Standards.

All students undertaking VCAL courses provided by BKI have the right to make a complaint or seek an appeal in relation to BKI decisions that impact on their course of studies or their learner experience.

BKI has procedures in relation to how assessments are overseen and conducted. Assessment Appeals policies and procedures allow students to appeal an assessment outcome. Investigations or hearings can also form part of the process used to amend or cancel assessment results.

External appeals are able to be made to the Victorian Curriculum and Assessment Authority (VCAA) and the VRQA in certain instances by VCAL students.

5.4 Recording of complaints

All stages of the complaints process are documented and notes provided to all parties involved, including the outcomes of the complaint at each stage and reasons for the decisions made. Each complaint and its outcome is recorded in writing and stored on the Complaints Register.

This register is managed and held by AG&Q.

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At all times records of complaints and grievances are maintained confidentially. BKI retains records of all complaints and grievances for a period of at least five years, allowing parties to the complaint or grievance appropriate access to these records.

Where a complaint is received from a student who is studying in a Corrections facility, the complaint is to be collected from the student and provided to AG&Q with a notation that the student is a Corrections Student. The records of such a complaint will be de-identified within the complaints register so that, for all reporting only the complaint number is used as a student identifier and the identity of the student is protected.

Where the content of a complaint relates to activities that would be required to be reported under Child Safety standards, follow the steps required in the Mandatory Reporting Procedure.

5.5 Complaints by International Students

International Student complaints are able to be dealt with informally or in a more formal manner as for all BKI students.

The types of complaints that international students raise may differ in that BKI are subject to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and the ESOS Act 2000 and this creates additional areas that BKI must adhere to in order to meet the purpose and objectives of these instruments.

The Standards cover complaints and appeals by international students and detail the process that BKI must follow. Standard 10 outlines that BKI must have an appeals and complaints process in place for international students and that the assessment of complaints and appeals must be **commenced within 10 working days of the complaint being received**.

If an international student's enrolment is cancelled or suspended the student must be informed of the intention to suspend or cancel enrolment in writing and informed that they **have 20 working days to lodge an appeal via BKI's internal complaints and appeals processes**.

If a complaint or appeal is decided against an international student then the student **must be informed in writing within 10 working days of the outcome of the complaint as well as the availability of external complaints options. BKI must also provide the details of the appropriate complaints bodies to hear the appeal**.

If an external complaints or appeals body results in a decision or recommendation in favor of an overseas student, then BKI must implement the decision as soon as practicable and inform the student in writing of the action taken.

In the event that there are changes to an overseas student's enrolment that could lead to the suspension or cancellation of the student's enrolment, **pursuant to Standard 9.3 the suspension or cancellation cannot take effect until the internal appeals process is completed**. (there are exceptions to this)

Changes to an overseas student's enrolment are reported pursuant to section 19 of the ESOS Act 2000 via PRISIMS. Students must be informed that they need to contact the Department of Home Affairs for advice regarding any potential impact on their student visa due to any course changes, amendments or cancellations.

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5.6 Corrective Action

When investigating a complaint, BKI will identify the potential cause of the complaint and, where appropriate take corrective action to eliminate or mitigate the likelihood of a reoccurrence. Corrective action will be documented and all records of complaints will be securely retained for a period of seven years.

6.0 Roles and Responsibilities

Role	Responsibilities
Complaints Officer	AG&Q staff member who records, manages and provides support in the administration of complaints
Customer Support Officer	The person receiving the complaint. They record the details and explain the procedure to the complainant and forward through to the appropriate person to manage the complaint process
Complainant	The person making the complaint, whether informally or formally.
Respondent	The respondent is the person against whom a complaint has been made. The respondent is to respond to the complaints, providing investigators with all relevant information, including names of persons that may have information relevant to the complaint and any documents that exist to substantiate their viewpoint. Details of the complaint are to be kept confidential.
Witness	Assist in the investigation process where necessary. Witnesses will be interviewed. Keep the details of the complaint and the fact that a complaint has been made confidential.
Investigator	Collect available and relevant information in relation to the complaint made or issue raised. Investigators may be the line manager or department manager or other BKI personnel charged with researching the complaint to compile facts to be considered in deliberating a resolution.
Support person	To provide the complainant or respondent with emotional support during the interview. The support person is not to advocate and cannot speak on the complainant's behalf unless they are a guardian.
Lead Educators and Department Managers	Consistently model appropriate behaviour. Take all complaints and grievances seriously. Intervene promptly when a complaint or issue becomes apparent and take reasonable action to assist with resolution. Act impartially and ethically in resolution of complaints and issues. Ensure that all complaints or grievances that are reported and resolved at a local/informal level are kept confidential.

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7.0 Definitions

Word/Term	Definition
Grievance	A wrong (action or thing) considered as grounds for a complaint, something believed to cause distress, dissatisfaction or resentment
Complaint	An expression of discontent, regret, pain, censure, resentment, dissatisfaction, injustice, unfairness or wrong-doing.
Internal Appeal	A complaint or grievance that is handled by BKI either formally or informally. Can include a formal appeals body decision that is made in relation to issues that touch on a students
External Appeal	Appeal to a body external to BKI that is able to hear and make a determination in relation to a complaint that has been determined by BKI.

8.0 Supporting Procedures

Doc ID	Procedure name
	Student Code of Conduct
	Student Complaints and Grievance Procedure
	International Student Complaints and Appeals Procedure

9.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	CEO	02/07/18	02/07/18	Grievance Policy to accompany Grievance procedure	01/01/2020	Manager Academic Governance and Quality
2.0	Board of Studies	28/08/19	28/08/19	Remove exclusion re Corrections students and include process to de-identify records	01/02/2023	Manager Academic Governance and Quality

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2.1	Board of Studies	05/02/2020	06/02/2020	Amendments required in order to ensure adherence with VRQA, CRICOS and ASQA Standards	01/02/2023	Chief Academic Officer
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10.0 KI Policy and Procedure Portal / BT BMS Requirements

Category	Key Words
Teaching and learning	Complaints, grievance