Student Complaint and Grievance
Policy and Procedure

Effective Date: February 2013
Review Date: February 2014

Introduction

The subject of a complaint is normally an action, decision or omission within the control or responsibility of the organisation, that causes a student to feel they have been wronged. A complaint is often resolved informally or through mediation, though it may develop into a grievance if a resolution cannot be found.

A grievance is a complaint that may result in disciplinary action against a staff member or student. It may also be a complaint that has failed to reach a resolution after informal processes have been attempted. A grievance is likely to have an unreasonable negative impact on the student in relation to their studies.

A student complaint or grievance may be of an academic or non-academic nature.

An appeal means an escalation step which may be open to a student if the student is dissatisfied with an adverse decision, or perceives an adverse outcome.

Sage Institute of Education has clear processes in place should a student wish to make a complaint or lodge a grievance or appeal. As part of the approach by Sage to provide a fair, safe and productive study environment, consideration of grievances will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with the principles of natural justice.

The Principles of Natural Justice include:
- the right to a fair hearing
- the right to attend hearings with a friend or support person, if required
- the opportunity for all parties involved to be heard
- the right to an independent, unbiased decision-maker
- a final decision that is based solely on the relevant evidence.

Purpose of Policy:

This policy and procedure supports:
- NVR Standards for Continuing Registration
- VET Quality Framework

The Student Complaints and Grievance Policy states Sage Institute of Education’s intent to provide a fair, safe and productive study environment where consideration of grievances will be dealt with consistently, promptly, sensitively and fairly in accordance with the principles of natural justice.

In particular, this policy focuses on establishing mechanisms to address any complaints by students, whether they be prospective, currently enrolled or former students.

The Student Complaints and Grievance Procedure describes how this is achieved for both formal and informal grievances.

Relates to:

Student
Trainer/Assessor
Training Team Leader
Training Manager
General Manager
Academic Director

Responsibility of:

The General Manager has overall responsibility for the implementation of this Policy.
The Quality & Compliance Manager shall be responsible for ensuring this policy and its process is followed and all tasks are completed.

**Monitoring by:**

The Quality & Compliance Manager will conduct a yearly review of this policy and procedure as part of the continuous improvement cycle.

**Guidelines:**

The procedure described in this document applies to all students and staff of Sage and is designed for the settlement of complaints and grievances. A grievance may be student against student or student against a staff member. The grievances and complaints process consists of a number of stages and may involve various members of staff, depending on the nature of the grievance or complaint.

Students should feel free to approach any member of staff with regards to airing any complaint. However, students must realise that certain policies and practices are followed by Sage Institute of Education in order to ensure that complaints are dealt with efficiently, consistently and fairly.

It is imperative that strict confidentiality be maintained in all matters relating to a student complaint. Information shall be given on a ‘need to know’ basis and students must be made fully aware of the strict confidentiality that will be applied during all stages of the complaints process.

This procedure does not apply if the subject of the grievance relates to a matter covered by alternative formal review, appeal, grievance or other dispute settling procedures.

**Principles of Natural Justice:**

General procedural fairness in the handling of a Grievance that involves all of the following elements:

- the right to a fair hearing
- the right to attend hearings with a friend or support person, if required
- the opportunity for all parties involved to be heard
- the respondent having full knowledge of the nature and substance of the grievance
- the complainant not determining the outcome, but may be a party to it
- the right to an independent, unbiased decision-maker
- a final decision that is based solely on the relevant evidence.

**Process:**

**Preliminary Action**

1. Before initiating the following procedures, the student complainant is encouraged to try to settle any grievance directly with the person(s) concerned.
2. A student complainant should raise their grievance with the respondent as early as possible.
3. At any time while trying to settle the grievance, a student complainant or respondent may consult confidentially with anyone they choose.
4. Where a student has a complaint relating to:
   a. the application and/or enrolment process
   b. assessment and/or reporting
   c. quality of delivery, course content and/or teaching and learning practices
   d. behavior and/or discipline or matters relating to other students
   e. If the issue is in regards to the Trainer, the student complainant should approach the Training Team Leader.
5. The Training Team Leader must inform the Training Manager of the student complaint.
6. The Training Manager must make notations on the Complaints, Grievances and Appeals Log on SharePoint.

Where a student has a complaint which does not fall in any of the above categories, he/she also should, in the first instance, approach the Trainer.

**Informal Procedure**

1. The informal procedure for the settlement of grievances will not normally commence unless the complainant
has attempted to settle the grievance directly with the respondent as outlined in the Preliminary Action above and the result is unsuccessful.

2. To commence the informal procedure, the student complainant must provide in writing to the Training Team Leader:
   - a clear statement of the grievance, including the parties to the grievance;
   - a process for trying to settle the grievance, which will be considered by the Training Team Leader
   - a suggested solution which the student complainant believes would settle the grievance.

The student may wish to complete a Student Complaint and Grievance Form or may prefer to send an email.

If a Student Complaint and Grievance Form is completed, this is given to the Compliance and Administration Team to upload to the student's file on Sharepoint.

An appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame.

3. Within 10 working days of receiving the notification of the grievance, the Training Team Leader will determine whether the subject matter falls within the definition of a grievance.

Where it is determined that the subject matter falls within the definition, the Training Team Leader will:

1. Gather such information required to assist with the settlement of the grievance, including providing the respondent with the statement of the grievance and the opportunity to respond

2. Attempt to settle the grievance by using the process outlined by the complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation (“the Informal procedure”).

3. Inform the Training Manager of the matter, and direct them to the student's file on Sharepoint.

Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the Training Team Leader will advise the student complainant accordingly. The Training Team Leader may dismiss a grievance if, in their view, the grievance is ill-advised, misguided, frivolous, malicious or vexatious.

4. In the case of the dismissal of a grievance, the Training Team Leader will document what has occurred and why the decision was made not to pursue the grievance. This information will then be passed on to the Training Manager who will make notations on the Complaints, Grievances and Appeals Log on Sharepoint.

5. After the conclusion of the informal procedure, the Training Team Leader will write to both the student complainant and respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

6. The Training Manager will add notes to the Complaints, Grievances and Appeals Log on Sharepoint.

**Formal Procedure**

The formal procedure for the settlement of grievances will not normally be invoked unless the matter has been first referred for settlement under the informal procedure.

1. If settlement of the grievance has not been achieved for any reason, including as a result of a determination by the Training Team Leader that the subject matter falls outside the definition of a grievance, or as a result of the grievance being dismissed under the informal procedure, a party may seek settlement of the grievance through the formal procedure. The formal procedure will normally be invoked within 5 working days of the Training Team Leader notifying the parties of the outcome of the informal procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.

2. A formal grievance may only be commenced by lodging a Student Complaint and Grievance Form, with the Training Manager.

3. The Training Manager will inform the General Manager of the student grievance.

4. Within 10 working days of receipt of the Student Complaint and Grievance Form, the General Manager must appoint an investigator to hear the grievance.

5. The General Manager informs the Academic Director of the student grievance.

6. The signed Student Complaint and Grievance Form is uploaded to the student's file on Sharepoint by the Compliance and Administration Team.
7. The investigator will, within 15 working days of appointment:
   • gather information from both the student complainant and respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with the Principles of Natural Justice
   • determine whether the grievance is justified;
   • recommend to the General Manager appropriate action which may include counselling for either or both parties; arranging for conciliation of the grievance; recommending disciplinary action; or that no further action be taken.

If the investigator believes the grievance is ill-advised, misguided, frivolous, malicious or vexatious, the General Manager will advise the student complainant and other parties as appropriate in writing of this finding and the reasons for the finding. Where appropriate the General Manager will take action in accordance with relevant student discipline provisions against the student complainant.

8. On receipt of the investigator’s report, the General Manager will:
   • take such action as he/she deems appropriate
   • notify in writing both the student complainant and respondent of the outcome of the process, the reasons for the decision and specify any action to be taken
   • inform the Academic Director

9. The decision of the General Manager is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of Sage Institute of Education.

10. The General Manager will inform the Training Manager and Academic Director of any outcomes. The Training Manager will then make notations on the Complaints, Grievances and Appeals Log on Sharepoint.

11. The Academic Director will inform the CEO.

**Right to an Advocate**

All students have the right to a support person during the informal and formal procedure. A support person is only an observer who shall not speak unless invited by the individual responsible for conducting the informal or formal procedure.

Students whose capacity for self-advocacy is impaired because of disability, have the right to a non-legally trained advocate of their choosing during the informal and formal procedure. An advocate may represent the case on behalf of these students.

**Confidentiality**

All persons associated with the informal and formal procedures should maintain confidentiality and only discuss the grievance with those who have responsibility for dealing with the grievance.

**External Agencies**

Complaints about administrative actions and decisions of the RTO can be made to the Australian Council for Private Education and Training (ACPET). If the RTO policy and process has not been followed, ACPET may ask the student complainant to do so before accepting their complaint.

**Related Policies**

The process above is supported by the following documents:

1. Student Appeals Policy and Procedure

**Reference Documents and Forms**

1. Student Complaint and Grievance Form
2. Complaints, Grievances and Appeals Log
3. National Vocational Education and Training Reform Act 2011
5. Freedom of Information Act 1982
Policy & Procedure Directory Requirements:
Sage Institute of Education> Policies and Procedures

*AQTF 2010 & VRQA VET Guidelines when registered in Victoria.

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