

Student Complaint / Grievance Procedure

1.0 Purpose

The purpose of this procedure is to provide individuals and groups of students (including prospective students) with a process to resolve grievances promptly, fairly and equitably, and to observe the principles of natural justice, not victimize or discriminate against any complainant or respondent.

2.0 Scope

This procedure applies to all students of Bendigo Kangan Institute (BKI), including those students who are, or would be entitled to VET Student Loans and regardless of the location of the campus at which the grievances has arisen, the mode of study or their place of resident. This also applies to any academic or non-academic matter, which causes a student serious concern or distress in relation to their course of study or prospective study at BKI.

All grievances by students shall be raised and dealt with in accordance with this procedure.

3.0 Policy Reference

Privacy Policy

Information and Records Policy

Code of Student Behavior Policy

Student complaints and grievance policy

VCAL Policy

Student Welfare and Accessibility Policy

ESOS Framework and CRICOS Registration Policy

International Students Transfers between Registered Providers Policy

4.0 Procedural Steps

| No. | Phases and steps | Name of role who actions |
|------------|--|--|
| 4.1 | Student Feedback or Complaint/Grievance System and Informal grievance processes | |
| 4.1.2 | All students are advised of the availability of the student feedback and complaints system in the student handbook and upon orientation to BKI. Students are advised that feedback can be provided via the online customer feedback system as well via other forms of feedback such as email, electronic means including but not limited to comments or observations made on the Kangan or Bendigo Tafe Facebook sites, written communication, hard copy letter or verbally if they are unable to provide the feedback/complaint in written format. | Lead Educator, Teachers Customer Administration Staff and Communications Marketing |

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| 4.1.3 | Students are able to provide feedback and make complaints anonymously or by identifying themselves and requesting that the complaint or feedback actions taken are reported/discussed with them. | Student, Prospective Student, |
| 4.1.4 | When a student submits a complaint via the electronic complaints and feedback system an email is automatically generated acknowledging receipt of the complaint/feedback. The electronically generated email provides a timeframe for a response by BKI as well as generating a reference number that is able to be used when discussing the complaint. | Student, Prospective Student, Quality Support Officer |
| 4.1.5 | If a complaint is received via the electronic complaints system, the Teaching Department/ and or relevant area is informed of the submission of the complaint or feedback and given an opportunity to review and respond to the complaint/feedback. | Quality Support Officer |
| 4.1.6 | It is expected that, in most circumstances, resolution or an outcome of the grievance should be achieved within two weeks (10 working days) from the date of lodgment of the grievance/complaint. | Student, Teacher, Teaching Department |
| 4.1.7 | If a complaint is expected to take longer than 10 business days to achieve a resolution or outcome, the student must be informed in writing and the details of the delay provided to them. | Teacher, Teaching Department |
| 4.1.8 | If a student approaches a teacher or other BKI staff member face to face in an initial attempt to discuss a complaint or provide feedback it would be expected that the matter would be addressed with them in accordance with the same timeframes. | Student, Teacher |
| 4.1.9 | All complaints and grievances MUST be entered into the BKI complaints system. A HEAT report is generated from the system on a regular basis which tracks the types of complaints which are received and can show where there are opportunities for improvement. Even if complaints are addressed in an informal manner, the teacher or any other BKI staff member is expected to have a record of the complaint/feedback and how it was addressed. If they do not have access to the complaints system, it is expected they will forward an email to the BKI Complaints Officer and request that a complaint number be allocated. All necessary records must be attached to the complaint number. | Teacher, Quality Support Officer, Customer Support Officer |
| 4.1.10 | If a complaint or feedback is sensitive, it MUST be brought to the immediate attention of the Executive Director of the related area. The Manager of Academic Governance and Quality should also be notified in order to ensure that correct processes are being followed and documented. (The Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse MUST be followed at all times. If there is a possibility of immediate harm to a student it would be | Teacher, Quality Support Officer, Child Safety Officer, Manager Teaching Department |

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| | expected that action would be taken immediately as required.) | |
| 4.1.11 | <p>Any complaints that involve sexual harassment or activities that could have criminal repercussions are to be overseen and managed by the Executive Director of the Teaching Department or BKI area that has received the complaint.</p> <p>It is expected that the Chief Academic Officer will be advised of ANY complaints of a sensitive nature in regards to students. The Chief Academic Officer will determine if the complaint needs to be reported to Victoria Police or other authorities in keeping with relevant guidelines and legislation.</p> | Executive Director Teaching Department and Chief Academic Officer |
| 4.1.12 | if a student chooses to withdraw a complaint/feedback they are advised that they are welcome to resubmit the complaint if further issues arise in relation to the same or subsequent matters. | Student |
| 4.1.13 | Resolution or the outcome of a complaint must be documented and all records retained as per the Academic Record Keeping Policy. | Teacher, Teaching Department, Quality Support Officer |
| 4.1.14 | Once a complaint/feedback has been resolved or an outcome achieved the complaint is closed on the Complaints/Feedback database. | Quality Support Officer |
| 4.1.15 | If a complaint remains unresolved within two weeks of the submission of the complaint or the student is dissatisfied with the response or outcome of the complaints progress, the student is to be advised that they have the opportunity to progress the complaint to a formal grievance process. | Student, Quality Support Officer |
| 4.1.16 | <p>Advice and assistance in relation to a complaint or feedback whether formal or informal, may be sought at any time from the following BKI staff members.</p> <ul style="list-style-type: none"> • Student Counsellor (NB: Counsellors cannot act as a third party, attend meetings, represent complainants or respondents at meeting called during the grievance process. An informal response will general be given verbally by the staff member); • Disability Liaison Officer; • A member of the Student Engagement and Retention Team; • BKI teachers and or lead educators. | Student, BKI Teachers, Counsellors, Lead Educators |
| 4.1.17 | Students under the age of 18 should have their complaint signed by a parent or guardian if the complaint becomes a formal complaint. | Student |

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| 4.2.0 | International Student Complaints, Grievances and Appeals | |
| 4.2.1 | International Students may request an appeal or make a complaint in relation to BKI's dealings with the student, BKI's education agents or any related party that has provided courses or delivered a related service. | International Student |
| 4.2.2 | An international student's enrolment may be suspended or cancelled in relation to, but not limited to the following; <ul style="list-style-type: none"> • Misbehavior by the student (see BKI Code of Student Conduct Policy and Procedure.) • The student's failure to pay an amount that he/she was required to pay to BKI to undertake the course or stated in the written agreement. • A breach of course progress or attendance requirements by the student. | Teaching Department, Finance Department |
| 4.2.3 | Prior to BKI imposing a suspension or cancellation of an international student's enrolment BKI will inform the student in writing of the following; <ul style="list-style-type: none"> • The intention to suspend or cancel the enrolment • The reasons for intending to cancel or suspend the enrolment • The students right to lodge a complaint via BKI's internal complaints and appeals process in accordance with the National Code of Practice. • That if an appeal or complaint is going to be lodged by the student they must lodge this within 20 working days of receipt of the letter of intention to suspend or cancel enrolment. <p>*** If there is a deferral, suspension or cancellation of an international student's enrolment BKI must ensure that the student is informed that they MUST seek advice from the Department of Home Affairs in relation to any potential impacts on their student Visa.</p> <p>BKI must report the change to student's enrolment via PRISIMS as soon as practicable if the enrolment is cancelled or suspended.</p> | Student Services Officer |
| 4.2.4 | Assessment of a complaint or appeal must commence within 10 working days of it being made and the outcome must be finalized as soon as possible. | Education Manager or Delegate |
| 4.2.5 | BKI must ensure that the overseas student is given the opportunity to present his/her case at minimal or no cost and the conduct of the assessment of the complaint or appeal is dealt with in a fair, professional and transparent manner. | Education Manager, Director Teaching Department |

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| 4.2.6 | The overseas student must be provided with a written statement of the outcome of the appeal/complaint as well as any reasons for the outcome/decision. | Education Manager, Executive Director Teaching Department |
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| 4.2.7 | <p>If an overseas student is not successful in BKI's internal complaints handling and appeals process, <i>BKI MUST ensure that the student is advised within 10 working days of the outcome of the review/appeal that they are entitled to access external complaints and appeal's processes.</i></p> <p>BKI will provide the student with the contract details of the appropriate complaints handling and external appeals body.</p> | Education Manager Teaching Department, Director Teaching Department, Quality Officer |
| 4.2.8 | <p>If an internal or external complaints handling or appeals process results in a decision or recommendation in favor of the overseas student, BKI must immediately implement the decision or recommendation and/or take preventative or corrective action required by the decision, and advise the overseas student of the outcome.</p> | Education Manager Teaching Department, Student Services Officer |
| 4.2.9 | <p>If a decision is made that is not in the student's favor BKI must inform the Department of Home Affairs via PRISIMs as soon as practicable.</p> | Students Services Officer under director from Executive Director Teaching Department |
| 4.3 | Formal Grievance Processes | |
| 4.3.1 | <p>Where the Education Manager or delegate, having first been satisfied that reasonable efforts have been made to resolve the matter informally by the steps outlined above, may determine the matter. The Education Manager or delegate may choose to meet with all or some of the parties concerned (either individually or collectively) and may require either or both parties to provide written submissions.</p> | Education Manager or delegate |
| 4.3. | <p>Where a concern could not be resolved using an informal approach or where the student seeks to make a formal complaint, this needs to be put in writing (e.g. letter, email or customer complaints and feedback form available on the website) and should contain at least the following details:</p> <ul style="list-style-type: none"> • Student's name and contact details • Description of the issue; including where, when and who was involved; • Description of the steps already taken to try and resolve the issue; • An indication of the student's desired outcome. The student may use the Formal Student Complaint and Feedback Form which is available from the website, however, in the interests of making the process as accessible as possible, this form is not mandatory. The BKI staff member may assist by completing the form on behalf of the student so that the Complaint can be logged and recorded centrally. | Student |

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| 4.3.4 | <p>The Education Manager's decision will be forwarded to the student in writing outlining the reasons for the decision within ten working days of the student's initial feedback/complaint received by the Education Manager.</p> <p>Written details must include:</p> <ul style="list-style-type: none"> • the outcome of the complaint; • reasons for the decision; • any changes which have resulted from the complaint; • an apology where appropriate; and • information about the option to appeal against the decision if they are not satisfied with the Education Manager's decision. | Education Manager |
| 4.3.5 | If the student is not satisfied that the complaint has been resolved he/she may write to the Director or Executive Director of the area requesting the formation of a Student Grievance Appeals Panel to consider the matter. | Student |
| 4.4 | Student Grievance Appeals Panel | |
| 4.4.1 | The relevant Executive Director will convene a Student Grievance Appeals Panel within ten business days of receiving the formal appeal. | Executive Director |
| 4.4.2 | <p>The membership of the Student Grievance Appeals Panel will be determined by the Executive Director, providing that:</p> <ul style="list-style-type: none"> • Where the student raising a grievance is an overseas student, a member of the International Department will be appointed to this appeal panel; and • There shall be a minimum of 2 and a maximum of 4 members of the appeal panel. • If the internal or any external complaints handling or appeal process results in a decision or recommendation in favor of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action. | Executive Director |
| 4.4.3 | <p>Membership of the Student Grievance Appeals Panel will comprise:</p> <ul style="list-style-type: none"> • The Executive Director (Studies) of another area, who will Chair the Panel; • Director; • Executive Director, Education Services or delegate; <i>(NB: 1 member of the Panel must be from outside the area concerned against which the grievance is lodged).</i> | Executive Director (studies) of another area |
| 4.4.4 | <p>The Student Grievance Appeals Panel will determine, subject to the broad principles of natural justice, its own processes for determining the matter from the beginning.</p> <p>The student appealing/complaining will be given the opportunity to present a case orally and/or in writing.</p> <p>Other people, staff or students, may be called to give evidence to the Student Grievance Appeals Panel .</p> | Student Grievance Appeals Committee |

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| 4.4.5 | All parties may be accompanied and or supported by a support person (not a legal practitioner) to the Student Grievance Appeals Panel. Each party shall bear their own cost of bringing a support person, if any. | Student |
| 4.5 | Determination of Appeals | |
| 4.5.1 | The Student Grievance Appeals Panel will reach a decision within the spirit of consensus. Should consensus not be achieved, then a decision will be made on a majority vote. Should there be no majority, the Chair will have a declarative vote. | Student Grievance Appeals Committee |
| 4.5.2 | <p>The decision will be communicated to all parties directly involved in the grievance in a written report outlining the reasons for the decision, within ten working days. The report will include:</p> <ul style="list-style-type: none"> • the outcome of the complaint; • reasons for the decision; • any changes which have resulted from the complaint; • an apology where appropriate. <p>This report will further advise of the right to access the external appeals process if a party is not satisfied with the outcome of the appeal.</p> | Chair of the Student Grievance Appeals Committee |
| 4.6 | Final/External Appeal | |
| 4.6.1 | If the student is not satisfied with the Student Grievance Appeals Panel decision, he/she may write to the Chief Executive Officer (CEO) giving reasons why they are not satisfied and request an external appeal. | Student |
| 4.6.2 | If the CEO or their nominee is satisfied that the reasons given by the student warrant a further hearing of the grievance, the CEO or their nominee must arrange for an independent external person (or organisation) to hear the appeal. | CEO or their nominee |
| 4.6.3 | <p>The independent external appeal person (or organisation) will comply with the following principles:</p> <ul style="list-style-type: none"> • the person or organisation which head the external complaint or appeal must be independent of, and external to BKI. The Dispute Settlement Centre of Victoria (or the Institute of Arbitrators and Mediators (https://www.iama.org.au/) may be used to consider external appeals. • In the event of an appeal by a VCAL student the Victorian Registration and Qualifications Authority would be the appropriate external appeals body which must be entirely separate to BKI. | Independent external appeal person |
| 4.6.4 | All parties may be accompanied and or supported by a support person (not a legal practitioner) to the External Appeal. Each party shall bear their own cost of bringing a support person, if any. | Student, Support Person |

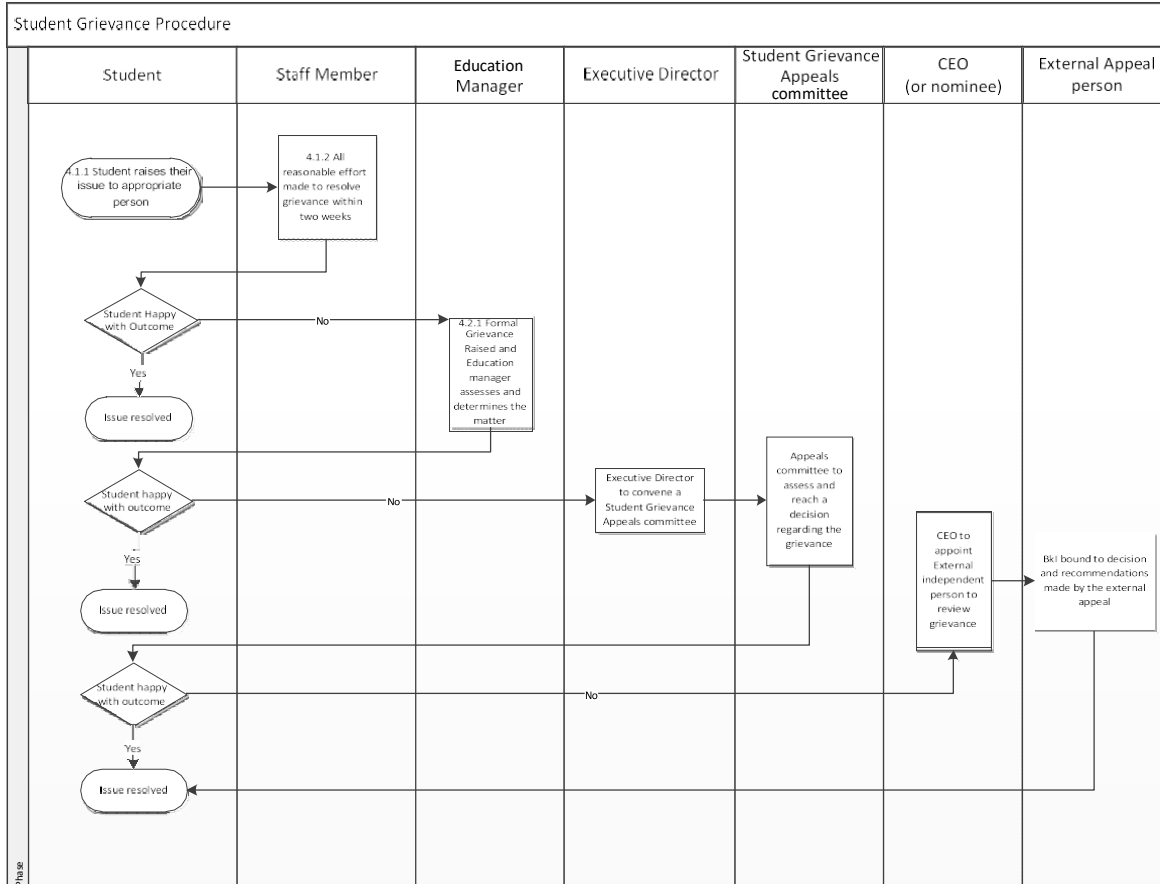
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| 4.6.5 | The external appeal convener appointed by chosen mediation service will report to the CEO, or their nominee, on the outcome of the external appeal, including any recommendations arising, within 20 business days of the completion of the external review. | External Appeal Convener |
| 4.6.6 | Once the CEO, or nominee, receives the report of the outcomes from the external appeal, they will provide a written report to the complainant within 10 business days on the recommended actions to resolve the grievance. BKI agrees to be bound by the decisions and recommendations arising from the external appeal and the CEO, or their nominee, will ensure the efficient implementation of any recommendations made. | CEO or nominee |
| 4.6.7 | BKI will bear the reasonable costs associated with the conduct of any complaints including external appeal. | CEO or nominee |
| 4.7 | Recordkeeping | |
| 4.7.1 | A written record of all grievances handled under this procedure and their outcomes shall be maintained on the student file for a period of at least five years to allow all parties to the grievance appropriate access to these records, upon written request to the Privacy Officer (privacy@bendigokangan.edu.au). All formal complaints and subsequent appeals must be logged with Academic Governance and Quality by using the Feedback Form on the website. | Relevant Teaching or Student Support area |
| 4.7.2 | All records relating to complaints will be treated as confidential and will be covered by the Institute's Information and Records and Privacy Policies. Complaints made by students in Corrections Facilities will be de-identified to remove their name and other identifiers, other than the complaint number issued to that complaint. Parties to the complaint will be provided appropriate access to these records in accordance with the Institute's Privacy Policy. | Academic Governance and Quality Support Officer. |
| 4.8 | Approval and Publication | |
| | This procedure will be made available to students and prospective students through publication in the Student Handbook and on the Institute's websites: Bendigo TAFE Website: http://www.bendigotafe.edu.au/ Kangan Institute Website: https://www.kangan.edu.au/ | Executive Director, Learner Experience |
| 4.9 | Staff Awareness and Training | |
| 4.9.1 | Policies and procedures are referred to in the staff onboarding program. | Manager Organisational Capability |
| 4.9.2 | Changes to procedures are notified through Portfolio Course Committees and Educational Leaders Network meetings. | Manager, Academic |

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Governance and Quality

5.0 Procedural Swimlane Flowchart



6.0 Roles and Responsibilities

| Role | Responsibilities |
|---------------------------------|---|
| Student | Raise their issue within the recommended guidelines |
| BKI Staff Member | Make every reasonable effort to resolve the issue |
| Education Manager/delegate | If the issue is escalated to the Education manager, the Manager will make every effort to resolve the issue and communicate to the student. |
| Executive Director | The relevant Executive Director will convene a Student Grievance Appeals committee |
| Student Grievance Appeals Panel | The Student Grievance Appeals Panel will determine, subject to the broad principles of natural justice, its own processes for determining the matter from the beginning, and will reach a decision within the spirit of consensus. A formal report will be written and provided to the student outlining the reasons for the decision and the availability of external appeals processes if applicable. |

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| CEO | The CEO must arrange for an independent external person (or organisational) to hear the appeal. |
| Independent External person | The External person will report their outcome of the external appeal to the CEO. The CEO must inform the Executive Director of the Teaching Department of the outcome of the external appeal as soon as practicable so that the outcome is able to be implemented. |

| Role | Responsibilities |
|---|--|
| Teaching Area | Maintain the students file and ensure that students are informed of the availability of policies and procedures as well as access to rights of review. |
| Academic Governance Manager | Ensure privacy laws and correct policies are followed |
| Academic Governance Quality Support Officer | Ensure that information regarding student complaints is accurately entered and retained in the BKI student complaints database and that the student and their representatives are kept informed of the progress of the complaint or grievance. |
| Manager Organisational capability | Ensure Staff are aware of processes and Policies |

7.0

| Word/Term | Definition |
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| Grievance | <p>a) An issue arising from any decision, act or omission which a student considered to be unjust, discriminatory or wrongful or at variance with Institute policy or procedure;</p> <p>b) A serious problem or concern of an academic or non-academic nature raised by an enrolled student or prospective student, which is believed by that student, to disadvantage them in the course of their study at BKI;</p> <p>c) A complaint about the behaviour of another student, group of students, staff member or group of staff; and</p> <p>d) Any other matter within the control of the Institute that is not resolve through normal communication channels.</p> <p>A grievance may relate <i>among other things</i> to:</p> <ul style="list-style-type: none"> • facilities, support services, curriculum, administrative procedures or decisions; • academic issues including student progress, assessment, curriculum and awards in a VET course of study; and • issues about the handling of personal information and access to personal records held by the Institute. |
| Internal/ Informal Appeal or Grievance | 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 |
| Prospective Student | Is a person seeking to enrol as a student in an Institute qualification, course or program. |

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| Student | Means any person currently enrolled in an educational program at the Institute. |
| Natural Justice | The 'fair hearing' rule and the 'no bias' rule: all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to their grievance should have no personal interest in the matter and should be unbiased in their decisions. |
| External Appeals Body | A body that is able to hear an appeal made regarding a complaint made to BKI. Where a decision has been made regarding a student appeal and the internal review options have been exhausted, a student may make an appeal to an external body such as an ombudsman or the dispute settlement center of Victoria depending on the nature of the appeal and the student cohort. External Appeals for VCAL students may also be made to the VRQA. |

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9.0 Version Control and Change History

| Ver. | Approved By | Approval Date | Issue Date | Summary Description of Change | Next Scheduled review | Document owner |
|------|---------------------------------------|---------------|------------|--|-----------------------|---|
| 1.1 | CEO | 18/07/18 | 18/07/18 | Link to Student complaints and Grievance Policy and minor update of changes. | 31/01/2020 | Manager, Academic Governance and Quality |
| 1.2 | Executive Director Education Services | 13/11/18 | | Minor change of reference to Appeals Panel rather than Committee to align with policy. | 31/01/2020 | Manager, Academic Governance and Quality |
| 1.3 | Executive Director Education Services | 10/12/18 | 10/12/18 | Minor change to clarify the costs associated with complaints and link to forms on the website. | 31/01/2020 | Manager, Academic Governance and Quality. |
| 2.0 | Board of Studies | 28/08/19 | 28/08/19 | Include appeals to VRQA and also include student's in corrections facilities | 28/02/2022 | Chief Academic Officer |
| 2.1 | Board of Studies | 5/02/2020 | 7/02/2020 | Include international Student Complaints and Appeals | 28/02/2023 | Chief Academic Officer |

| Category | Key Words |
|------------------------|--|
| Student Administration | Student Grievance, Grievance Appeals, Formal process |