

STUDENT COMPLAINTS POLICY AND PROCEDURES

1. Purpose

Kiama Community College Ltd (the College) is committed to providing an effective, efficient, timely, fair and confidential complaints handling procedure for all students. This policy covers both academic and non-academic complaints and appeals.

A complaint may be about anything done, or not done, by management, staff or other students of the College, which the student feels has been unfair or unjust. The complaint may also be about but not limited to, discrimination, harassment, or any other decision or behaviour which is thought to be unfair, unjust or upsetting.

2. Policy Statement

The College has a positive attitude towards complaints as they give us the opportunity to develop the quality of our services.

Students are encouraged to complain when they are dissatisfied and/or would like to see further improvement in training and service delivery.

A complaint may be lodged in person or by telephone, electronically or by letter. A verbal complaint may subsequently need to be made in writing to enable a full investigation. Those with special needs, such as people with limited English language or literacy skills and those with a disability will not be disadvantaged in the complaints process.

If a Student is enrolled at the time they choose to access this policy and procedure, the College will maintain the Student's enrolment while the complaints and appeals process is ongoing.

3. Definitions

For the purposes of this document the following applies:

Complaint is an expression of dissatisfaction with a product, service, staff, including how a previous complaint was handled, for which a response or resolution is explicitly or implicitly expected.

Student(s) refers to all persons enrolled or seeking to enrol in a course with the College.

Complainant refers to Students (as defined above) who have lodged a complaint.

Academic matters include those matters which relate to student progress, assessment, course content or awards in a VET course of study.

Non-academic matters include those matters which do not relate to student progress, assessment, course content or awards in a course and include complaints in relation to personal information that the provider holds in relation to a Student. Non-academic complaints tend to arise from events occurring at a provider or from decisions made by a provider.

4. Responsibility

The **Board of Management** is responsible for approving the policy and responding as required to informal and formal complaints.

The **Chief Executive Officer (CEO)** is responsible for implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and Students and Complainants are made aware of its availability.

Managers and Course Coordinators:

- are responsible for ensuring that all trainers are aware of the requirement to report potential complaints as soon as possible; and
- handle any complaint appropriately and promptly; and
- will treat all people involved fairly and respectfully, protecting the complainant from undue negative repercussions arising from their complaint; and
- will treat the complainant and all those involved with strict confidentiality at all times.

Trainers and Support Staff

- are to report potential complaints as soon as possible to the course coordinator or manager; and
- will treat all people involved fairly and respectfully, protecting the complainant from undue negative repercussions arising from their complaint; and
- will treat the complainant and all those involved with strict confidentiality at all times.

5. General principles

These principles, which will be adhered to by the College, apply to all stages of this complaint procedure:

- The principles of natural justice and procedural fairness are adopted at every stage of the complaint process
- Information about the complaints-handling process and the means to lodge a complaint is readily accessible and available on the College [website](#)
- The Complainant and any respondent will have the opportunity to present their case at each stage of the procedure
- The Complainant and any respondent have the option of being accompanied/supported by a third person (such as a family member, friend or counsellor) if they so desire. If the complainant is under 18 years of age, is experiencing a debilitating mental health condition or has a disability, a support person can also advocate on behalf of the complainant. In all other circumstances, a support person's role is limited to being present and supporting the complainant emotionally, rather than speaking on their behalf.
- The Complainant and any respondent will not be discriminated against or victimised
- Complaints are treated seriously and dealt with promptly, impartially, sensitively and confidentially
- The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures may be required
- A Complainant shall have access to the internal stages of this complaint procedure at no cost. Costs for an external appeal will be shared equally by the College and the Complainant, with the exception of VET Student Loans (VSL) complaints. The cost of VSL complaints will be covered entirely by KCC Inc.
- Complainants are entitled to access the complaints procedure regardless of the location of the campus at which the complaint has arisen, the Complainant's place of residence or mode of study

The College's designated **Complaints Manager** is the Training Services Manager, who is responsible for coordinating the handling of complaints and ensuring a complaint is properly managed.

COMPLAINTS PROCEDURE

6. Informal Complaint Procedure

Students are encouraged initially to attempt to resolve a complaint informally through the following process. Whilst the College encourages Students to follow this procedure before an issue becomes a formal complaint, this step is not mandatory and a Student may proceed directly to the Formal Complaints Procedure.

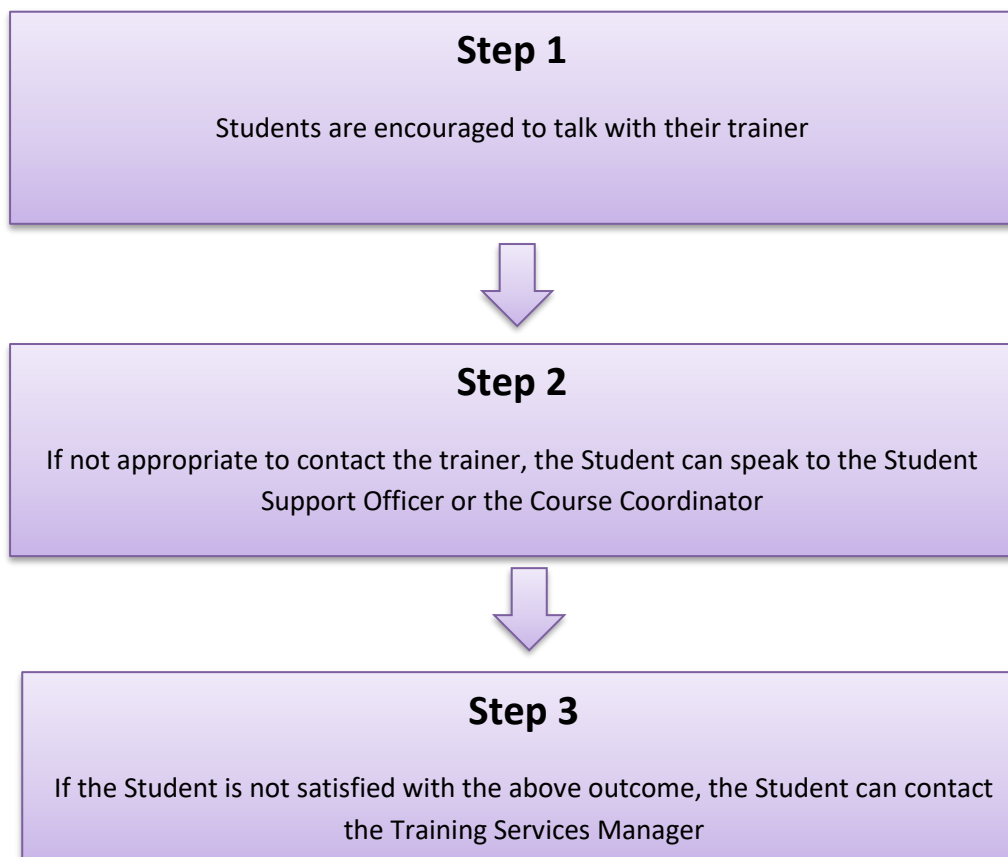
If a Student has a problem they want to talk about, they should follow this procedure below.

- Students are encouraged to talk with their trainer who will attempt to resolve, in an informal manner, the complaint.
- If the Student cannot or does not want to talk to the trainer, they can speak to the Student Support Officer or the Course Coordinator. The Student Support Officer or Course Coordinator will then investigate the issue, document action taken in order to resolve the complaint and review the effectiveness of those actions to ensure that the issue is effectively resolved. The Student will have a response within 20 working days from lodging the informal complaint.
- If the Student is not satisfied with the above outcome and wishes to continue to follow the informal complaint process, the Student can contact the Training Services Manager who will review the issue, determine the next steps and outcome, and advise the Student in writing within 20 working days.

See flowchart of informal complaint procedure following:

Informal Complaint Procedure Flowchart

Please view this flowchart in conjunction with detailed explanation of each step



7. Formal Complaints Procedure

Stage One

Formal complaints should be submitted in writing and sent to the Training Services Manager at Kiama Community College, PO Box 52, Kiama NSW 2533.

The Training Services Manager will notify the Complainant of receipt of the complaint within 5 working days.

The Training Services Manager will then assess the complaint, determine the outcome and advise the Complainant in writing of their decision within 20 working days.

The Complainant will be made aware of their options through the provision of a copy of this policy.

Stage Two

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing within 20 working days of receiving the written response with the CEO, Kiama Community College, PO Box 52, Kiama NSW 2533.

The Complainant's appeal will be determined by the CEO who will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision within 20 working days.

The Complainant will be made aware of their options through the provision of a copy of this policy.

If the complaint is about the CEO, the complainant may not wish to make a complaint directly with them. In this situation, the complainant can correspond directly with the Chairperson of the Board without going through the CEO by writing to them at PO Box 52, Kiama NSW 2533.

Stage Three

If the Complainant is not satisfied with the outcome of their appeal, then an independent mediator will be sourced by the College through Resolution Institute. Complainants may request that their complaint is referred to the independent mediator by writing to the Chairperson of the Board of Management, Kiama Community College Ltd, PO Box 52, Kiama NSW 2533.

Costs of such mediation will be shared equally by the College and the Complainant. As a guide mediator's costs would be \$440 for the first four hours (or part thereof). Subsequent hours would be \$165 per hour. It is common for most disputes to be resolved within the initial four-hour allocation. VET Student Loans recipients will have the full cost of any mediation costs covered by Kiama Community College Ltd.

For students with a disability:

You have the right to complain about the services you receive and are encouraged to talk about your concerns. If you feel comfortable, you are encouraged to raise your concern or complaint with the College's NDIS Coordinator or the College's designated Complaints Manager, the Training Services Manager.

The College will offer assistance to help complainants with reading or writing difficulties to formulate and lodge complaints and will accept complaints on behalf of people with intellectual impairment from representatives such as friends, family members or an independent advocate.

If you are not happy with the way the complaint has been handled, and are unable to resolve your concern or complaint, you can seek further support. You may seek support from family, friend or an independent advocate to support you in making a complaint. Your support person can also represent you. Also, a complaint can be made to the [NDIS Commission](#) by:

- Phoning: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.
- National Relay Service and ask for 1800 035 544.
- Completing a complaint contact form on the NDIS Commission's website <https://www.ndiscommission.gov.au/>

Stage Four

For all Accredited Course Students: If the Complainant remains unsatisfied with the outcome of the mediator's decision, then they may contact the Australian Skills Quality Authority (ASQA). For contact details and information please see: <https://www.asqa.gov.au/complaints>

Stage Five

If a Student is still dissatisfied with the way the complaint has been handled they can contact the Commonwealth Ombudsman:

- Telephone on 1 300 362 072
- Email at ombudsman@ombudsman.gov.au
- Completing an online form at www.ombudsman.gov.au
- By attending one of their offices.

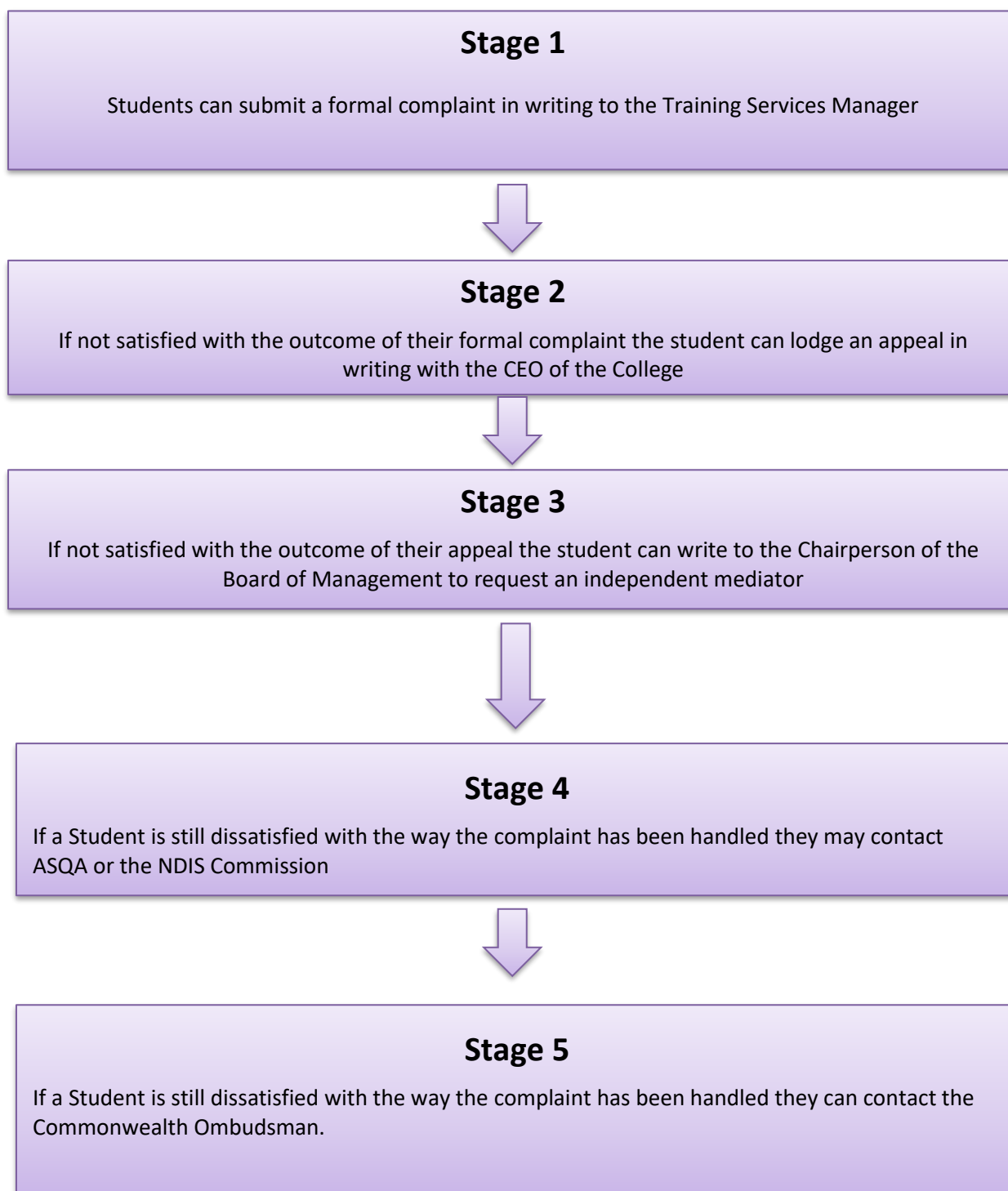
NOTE: The Ombudsman will not usually investigate a complaint unless raised with the ASQA or the NDIS Commission first.

The College will respond to any recommendations arising from the external review of the complaint within 30 days of receipt of the recommendations.

See flowchart of formal complaint procedure following:

Formal Complaint Procedure Flowchart

Please view this flowchart in conjunction with detailed explanation of each step



8. Records Management

Records of all complaints and their outcomes are maintained securely.

At all stages of the process, discussions relating to complaints and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or any respondent if requested.

Records of all complaints will be kept for a period of 7 years to allow all parties to the complaint appropriate access to these records. These records will be kept strictly confidential and stored at Kiama Community College, 7 Railway Parade, Kiama NSW 2533. Access to these records for complainants may be requested by writing to the CEO at the aforementioned address.

9. Access and Equity

The College's Access and Equity Policy applies.

10. Referring complaints

The College will refer or notify other bodies if required by law, for example a complaint that raises an issue that concerns a possible criminal offence. The College complies with all relevant mandatory reporting and other obligations under the Australian law, for example work health and safety laws and child protection.

This policy does not replace or modify policies or any other responsibilities which may arise under other policies or under statute or any other law. Also, the dispute resolution procedures outlined above in this document do not circumscribe an individual's rights to pursue other legal remedies.

11. Related Policies and Documents

- Student Handbook
- Consumer Protection Policy
- Privacy and Personal Information Policy and Procedures
- Disability Service Standards
- Anti-bullying Policy
- Access and Equity Policy
- Assessment Policy

12. Publication

This *Student Complaint Policy and Procedure* will be made available to Students and those seeking to enrol with the College through publication on the website: www.kcc.nsw.edu.au.

13. Approval

This Policy and Procedure was agreed to and ratified by the Board of Management on 25 June 2019.