

STUDENT COMPLAINTS AND APPEALS POLICY

Policy Statement

INSEARCH is committed to providing a learning and working environment in which complaints and appeals are responded to promptly and fairly. As part of our commitment to creating a supportive and open organisational culture, INSEARCH values ethical and responsible management, transparency in decision-making processes, and a consistent, accessible and fair complaints process. INSEARCH views student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction. To support this, if required, INSEARCH will provide an interpreter for the complainant throughout the complaint or appeals process.

Scope

Complaints about non-academic matters are covered by this policy and the attached procedure. These primarily fall into three categories:

- Complaints about student services (including facilities and Homestay)
- Complaints about non-academic education-related matters
- Complaints about administrative decisions (e.g. enrolment, mid-course fee increases)

Complaints may also include complaints about:

- INSEARCH staff (including affiliated bodies such as Channel Partners)
- people external to INSEARCH that students interact with as part of an approved external program of study (e.g. excursions or field trips)
- visitors to INSEARCH
- other students.

A complaint may arise from a matter/incident that occurs on or off-campus.

What is excluded from this policy?

Complaints about academic matters are not covered by this policy or procedure. Examples include:

- academic misconduct
For example: attempts by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task (or assisting other students to do so); or engaging in any other improper academic conduct as deemed by the Dean of Studies
- complaints about matters involving an academic judgement, procedural or factual errors
For example: appeals about grades, special consideration

These complaints are specifically covered by other policies and procedures including the:

- Academic Misconduct Policy
- Assessment Policy

Definitions

Affiliated body	Includes honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by INSEARCH to perform work or functions for INSEARCH.
Appeal	A written request for review of a decision by INSEARCH about a complaint.
Channel Partner	An organisation involved in a contractual relationship with INSEARCH in recruiting students to study at INSEARCH.
Complainant	The person lodging the complaint.
Complaint	Any expression of dissatisfaction made to INSEARCH where a response is expected about anything related to our purpose of providing high quality education.
Senior Leadership Team (SLT)	Managing Director, Dean of Studies, Chief Operating Officer, Chief Financial Officer/Company Secretary, Director of Sales and Marketing, Chief Business Development Officer, Human Resources Manager.
Frontline managers	Registrar, Program Managers, Associate Dean of Studies, Director of Studies – ELT, and Head of Student Services.
Lodge	To submit a written complaint or appeal
Representative	A person who accompanies a party to a dispute resolution meeting (eg, a carer/family member, or friend. Representatives must be over the age of 18.
Respondent	The person against whom the complaint has been made.

Policy Principles

Principles	Responsible
<p>1. INSEARCH seeks to ensure that all actions under this Policy:</p> <ul style="list-style-type: none"> a. are based on values consistent with the INSEARCH Code of Ethics b. are underpinned by principles of mutual respect and procedural fairness c. meet regulatory requirements and are aligned with the NSW and Commonwealth Ombudsmans' guidance advisories. 	SLT
<p>2. Parties to a complaint have the right to be:</p> <ul style="list-style-type: none"> a. heard b. treated in an unbiased manner¹ c. informed of any complaint made which relates to them d. provided with an opportunity to respond to any complaint about them e. informed about the status of any complaint involving them. 	Staff or committee investigating the complaint

¹ This includes a staff member not investigating or managing a complaint where they have an actual or perceived conflict of interest.

3. A person or committee investigating a complaint will do so as expeditiously as possible, consistent with the need to act fairly and follow due process.	Staff or committee investigating the complaint
4. A student's enrolment must be maintained during the course of the complaint resolution process unless the student chooses to withdraw or completes their study program.	Staff or committee investigating the complaint
5. INSEARCH will take all reasonable steps to prevent students suffering any disadvantage (including through victimisation) as a result of lodging a complaint.	Staff or committee investigating the complaint
6. A person or committee managing a complaint will maintain confidentiality by not discussing the complaint with more people than needed to address the complaint (noting that the complainant will be identified to the person they are complaining about unless the facts of the complaint are not in dispute).	Staff or committee investigating the complaint
7. Resolution of the complaint will usually take into account the complainant's preferred process of resolution. However, there may be instances where a complaint is of such a serious nature that action beyond the wishes of the complainant is required (e.g. when a complaint raises or relates to allegations of unlawful behaviour or corruption, or when INSEARCH's duty of care to staff or students may be compromised if no action is taken).	Staff or committee investigating the complaint / SLT
8. Anonymous complaints will generally only be acted upon where the matter is relatively serious and where there is sufficient information to enable an investigation to be conducted.	Staff or committee investigating the complaint/ SLT
9. To preserve impartiality in decision-making, where the Dean of Studies or Chief Operating Officer has assisted in the initial investigation of a complaint, they will not be party to any appeals review. Another member of the SLT will act in their stead.	SLT
COMPLAINTS MANAGEMENT	
1. Complaints can be made: <ul style="list-style-type: none"> Verbally to a staff member or in writing to complaint@insearch.edu.au 	All Staff
2. Complaints registers are kept in each operational area for complaints received directly by those areas, and by the Executive Assistant Education for complaints received at the complaints email address.	Staff dealing with complaints EA, Education
3. Where possible: <ul style="list-style-type: none"> complaints made directly to a staff member are resolved by that staff member. Complaints received through the complaints email address are referred to the appropriate area for management. <p>INSEARCH recognises that more serious complaints should be addressed at a more senior level (e.g. relating to unlawful conduct, or complaints that could lead to a finding of misconduct or disciplinary action being taken).</p>	All staff

<p>Complaints about a staff member cannot be managed by the staff member or a peer team member.</p>	
<p>4. INSEARCH has a three-tier complaint model to ensure that complaints are responded to in a timely and efficient manner at the lowest level required for the particular complaint:</p> <ol style="list-style-type: none"> a. Complaints that can be addressed by frontline staff b. Complaints need to be escalated to frontline management by frontline staff: <ol style="list-style-type: none"> i. If the complainant requests that a more senior person address the complaint ii. If the complaint is about the person receiving the complaint or a fellow team member iii. If the complaint involves an allegation of a criminal offence having been committed, corruption, serious or controversial conduct iv. If the complainant has engaged legal representation v. If the complaint cannot be resolved within 5 working days of being lodged c. Internal appeal reviews by the SLT where the complainant does not consider that the complaint has been addressed 	<p>All Staff</p> <p>Managers</p> <p>SLT</p>
<p>5. Where a complaint involves investigation and response by multiple teams, the responsible managers will assess and agree on who will be responsible for coordinating and communicating the response to the complainant. While each situation will be different, the general principle is that the team with the most significant component of the complaint will manage the complaint.</p>	<p>Managers</p>
<p>6. Where a complaint/appeal cannot be resolved to the person's satisfaction through INSEARCH's internal processes, the person can seek an independent external review.</p> <p>The table in appendix A provides information on each tier and people involved. See appendix A</p>	<p>All Staff</p>

Roles and Responsibilities

- **Senior Leadership Team (SLT)**

Responsible for:

- Setting cultural acceptance that effective complaint management benefits INSEARCH's reputation, administration, and educational outcomes
- Overseeing management of an effective complaints process within their area of responsibility

- **Managing Director**

- Advised of complaints involving an allegation of serious misconduct or unlawful activity

- **Company Secretary**

Reviews and provides advice:

- on complaints where the person is legally represented

- where the complaint involves an allegation of a criminal offence, maladministration or significant waste of money/resources
- **Human Resources Director**
 - Managers must refer all complaints (including anonymous complaints) involving an allegation of child abuse or bullying to Human Resources Director for advice and assessment
- **Frontline managers**
Responsible for:
 - Supporting their staff to resolve complaints
 - Addressing complaints about their staff member
 - Managing complaints that frontline staff cannot expeditiously resolve
 - Escalating complaints as required
- **Frontline staff (including teachers)**
Often first line of contact with a person raising a complaint, or asked to investigate a written complaint; responsible for:
 - Complaints that can be expeditiously resolved (within 5 working days)
 - Following escalation procedures where applicable
- **Executive Assistant, Education**
Responsible for:
 - Monitoring INSEARCH's complaints email address
 - Distributing complaints emails to the Registrar, Program Managers, and Head of Student Services (as subject matter of the complaint warrants)
- **Appeals reviewers**
Dependent on the nature and subject-matter of an appeal:
 - Chief Operating Officer – non-academic appeals other than;
 - Associate Dean of Studies – non-academic but education related appeals
 - Joint panel of Dean of Studies/Chief Operating Officer – enrolment appeals

Note: Where the Dean of Studies or Chief Operating Officer was involved in considering a complaint and would usually be an appeals reviewer of that complaint, another member of the SLT will replace them as appeals reviewer

Supporting Documents

- Code of Ethics
- Staff Code of Conduct
- Harassment, Bullying and Discrimination Policy
- Non-academic misconduct policy and procedure
- Privacy policy
- Public Interest Disclosure Policy
- Whistle-Blowing Policy
- Information Sheet In How To Lodge A Complaint.
- Student Complaints and Appeals Management Procedure

Relevant Complaints Authorities

- Overseas Students Ombudsman (OSO) –
- <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>
- NSW Ombudsman - <https://www.ombo.nsw.gov.au/complaints/complaint-form>
- Administrative Appeals Tribunal (AAT) - <http://www.aat.gov.au/resources/forms>

Related Legislation

- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- National Privacy Principles
- Education Services for Overseas Students Act 2000
- The National Code 2007
- Higher Education Support Act 2003
- Higher Education Act 2001 (NSW)

ADMIN USE ONLY

APPROVAL	
Signature:	
Name:	Alex Murphy, Managing Director Date: 18 April 2017
Policy Title	Student Complaints and Appeals Policy
Policy Owner:	COO
Policy ID	PO/OPS/02/17
Effective Date:	April 2017
Endorsed by Audit and Risk Committee	
Date: 22 March 2017	

Appendix A

	Tier 1	Tier 2	Tier 3	External review (independent process)
Function	Complaints management for routine matters	Management of more difficult, sensitive, and time-consuming complaints OR management of complaints referred as part of the complaints escalation process	Internal Appeal (review of an INSEARCH decision on a complaint)	Considers student complaints about INSEARCH decisions
People involved	Frontline staff	Program Managers, Associate Dean of Studies, Director of Studies – ELT, Registrar, Head of Student Services	Senior Leadership Team	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students) NSW Ombudsman (Foundation Studies students)