

Student complaints Policy and Procedure

This policy and procedure provides clear and practical guidelines to ensure that complaints of students can be resolved in accordance with the principles of natural justice, equitably and efficiently.

What are Complaints?

Complaints include, but are not restricted to, matters of concern to a student relating to training delivery and assessment, the quality of the training, student support and materials, discrimination and/or sexual harassment.

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias.
- All parties have the right to be heard.
- The respondent has a right to know of what they are accused
- All parties are told the decision and the reasons for the decision.

Procedures

If the complainant feels comfortable doing so, he/she is to address the issue with the individual concerned. In the case of harassment, explain that the behaviour is unwelcome and offensive and request that they stop. It may be that the individual was not aware that their behaviour was unwelcome or caused offence. If the complainant does not feel comfortable confronting the individual, they should discuss the issue with their trainer or any JTI staff member.

If the complainant meets with a staff member to make a complaint,

1. The staff member should discuss with the complainant (and their support), the complaint details
2. Complete with any assistance a complaints form/online complaint form, if the matter has not been resolved satisfactorily.

As part of the complaints/appeals handling procedure, JTI will ensure:

- That the investigation of the complaint is attended to promptly and confidentially
- That the complaint is investigated in a fair and impartial manner
- That if a complaint is made against an individual, their rights will be protected and they will be given an opportunity to give an explanation
- That action will be taken to ensure that any misconduct does not continue
- That the individual making the complaint and any witnesses will not be victimised
- That appropriate disciplinary measures are taken in a proven case

3. The staff member taking the complaint will record the following information:

- Complainant's full name, address, phone/email address.
- Why the complaint /appeal has been escalated from a concern or is not to be treated as a concern.
- If the complaint /appeal relates to another person(s), that person(s) full name and position or if the student is not able to provide these details as much information as possible.
- The concerns raised by the complainant.

- The complainant's desired outcome to the complaint.
4. If a complainant raises an issue but is not willing to proceed with the complaint/appeal then they should be advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by JTI.
 5. If the staff member resolves the complaint/appeal and the nature of the complaint/appeal is in regard to the JTI management systems, the quality of training and assessment, the quality of client services or a non-compliance of the VET Quality Framework; the staff member should
 - clarify and document the details of the complaint with the complainant
 - record the complaint and its outcomes in the **CRM**
 - inform the GM (or delegated person) of the details of the complaint and the action implemented
 - Generate communication to the complainant of the complaint and its outcome.
 6. If the staff member receiving the complaint/appeal is unable to resolve the issue with the complainant, or the complaint is outside of the staff member's area of responsibility; then the staff member should
 - record the complaint/appeal in the **CRM or**
 - Request the complainant to put the complaint in writing to the GM (or delegated person). or
 - Direct or assist in directing the person to another person who could assist or
 - Aid with a complaints *and appeals form* (online or manual).
 7. The GM (or delegated person) will
 - Organise for a meeting with the complainant and resolve the matter in the best way possible
 - review the complaint /appeal within five (14) working days and decide about the complaint;
 - Interview the respondent to the complaint/appeal, outlining the specific allegations that have been made about them, and giving them the opportunity to make a full response. (During the investigation process, the complainant must be given the opportunity to present his/her case (with the provision of a mutually acceptable support person and/or independent adviser in attendance, if required). This will be at no cost to the student/staff /Third Party). Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties.
 - determine the appropriate action, if any;
 - advise the parties of the action and their recourse to further action/appeal
 - Record the actions in the CRM; and implement the actions.

No action relating to an enrolment status is to be taken until the complaint/appeal has been resolved. However, the GM or delegate retains the right to take such steps as may be necessary to ensure the health, safety and welfare of the student and/or of others.

8. After the investigation process is complete, the GM (or delegated person) will provide a written response within fourteen (14) working days to the complainant, of the action taken and the reasons for the decision.
9. If, at any stage, the process exceeds the timelines stated, or more than 60 calendar days are needed to process and finalise the complaint; the GM or delegate will:

- inform the complainant in writing of the delay, including reasons why more than 60 calendar days are required; and
- Regularly update the complainant on the progress of the matter and ensure these are recorded in the **SMS /CRM**.

10. The GM (or delegated person) will review the action to determine its effectiveness and client's satisfaction.

If the client is dissatisfied with the outcome of the complaint/appeal, they can refer the matter to Resolution Institute which is JTI preferred student mediation service, or the complainant can also go to consumer affairs. If the complaint was about an assessment, students can appeal the result as per *Appeals against assessment outcomes policy*.

11. Any complaint/appeal which appears to be related to any illegal activity such as theft, assault, etc., will be referred to the appropriate authority after discussion with the person making the complaint/appeal.

12. Written records of the complaint /appeal will be retained in the complaints/appeal file and a copy included in the relevant student's file, where applicable. All records of complaint will be maintained in accordance with the procedure *Records Management*.

13. JTI seeks to prevent complaints/appeals by ensuring that students are satisfied with their training experience and their training product and its outcomes. Staff are expected to be fair, courteous and helpful in all dealings with students.

Appeals against assessment outcomes

Students may appeal against a result shown on their student record/assessment. The student should be provided with the written outcome within 21 days.

The appeal against assessment outcome process is as follows:

1. The student contacts their trainer or the training manager or equivalent in relation to the appeal against the assessment outcome.
2. The student is provided the '*Appeal against assessment outcome form*' to fill in and submit either in person to one of the JTI campuses or email to the concerned staff member contacted initially. This form can also be filled online at www.jti.edu.au
3. The form needs to be received and signed by the respective staff and forwarded to Training Manager or equivalent of the concerned department.
4. Training Manager or equivalent is to contact the student and the trainer, who initially marked the assessment, regarding their individual opinions on this matter.
5. The Training Manager or equivalent will allocate the assessment to be marked by another trainer.
6. The assessment is to be submitted back to the Training Manager or equivalent for comparison of results. In case of different assessment outcome, the Training Manager or equivalent is to moderate the assessment with a third trainer and that outcome is to be considered as final outcome.
7. Once the outcome has been decided, Training Manager or equivalent will fill in the relevant part of the Appeal against assessment outcome form, which needs to be signed by all the trainers involved in the appeal process.
8. The Training Manager or their appointee will contact the student to advice on the final outcome and provide the student with a copy of the completed form.
9. The original copy of the form will be filed in the student's file and archived for record purposes. If the student remains unsatisfied with the outcome, the student can refer the matter to

LEADR (www.leadriama.org) which is JTI preferred student mediation service, or the complainant can also go to consumer affairs.

10. If, at any stage, the process exceeds the timelines stated, or more than 60 calendar days are needed to process and finalise the appeal; the training manager or delegate will:
 - inform the complainant in writing of the delay, including reasons why more than 60 calendar days are required; and
 - Regularly update the complainant on the progress of the matter and ensure these are recorded in the **SMS /CRM**.