

Grievances, Complaints and Appeals Policy

Scope

This policy applies to students of the following Kaplan International Languages schools in Australia (hereby referred to as “the School”):

- Sydney – Kaplan International English (Australia) Pty Ltd (ABN 31 003 631 043) trading as *Kaplan International Sydney*
- Melbourne/Adelaide – Kaplan International (Melbourne & Adelaide) Pty Ltd (ABN 90 129 017 385) trading as *Kaplan International Melbourne* and *Kaplan International Adelaide*
- Perth – Kaplan International (Perth) Pty Ltd (ABN 76 079 200 212) trading as *Kaplan International Perth*
- Brisbane – Kaplan International (Brisbane) Pty Ltd (ABN 81 097 629 073) trading as *Kaplan International Brisbane*

Specifically, this policy applies to:

- All current students who have accepted the School’s enrolment conditions;
- All prospective students who have had some interaction with the school;
- All past students, within the first 12 months from the date the student ceases to be enrolled with the School;
- All applicants who formally applied to be enrolled with the School;
- Parents or legal guardians of prospective or current students under the age of 18 years;
- Those services provided by any third-party on the School’s behalf to current or prospective students at the School (such as education agents, student accommodation providers, workplace supervisors, etc.);
- All staff members involved in the management of the grievances, complaints and appeals process.

This policy is to be used in the management of all grievances, complaints and appeals relating to all aspects of a student’s educational experience and learning environment while studying at the School.

Purpose

The purpose of the *Grievances, Complaints and Appeals Policy* is to provide:

- a framework for managing grievances, complaints and appeals;
- a process for investigation of grievances, complaints and appeals; and
- a fair, equitable and confidential means of resolving grievances, complaints and appeals.

This policy follows the guidelines of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (specifically Standard 10), as well as other relevant legislation.

Definitions

A **grievance** is defined as a “cause for complaint, especially of unjust treatment”. Common sense should be used before expressing a grievance. Failing a course or an assessment is not itself a grievance. There must be an element of unfairness involved. It doesn't have to be a failure – if a student has been unfairly given a mark that is lower than they reasonably believe they should have been awarded, and the teacher or lecturer will not make an adjustment, then the student may have a grievance.

Grievances typically fall into two categories:

- minor issues that are suitable to be addressed informally and usually resolved easily by having a discussion with a staff member to clarify a misunderstanding;
- those involving a formal process for resolution, such grievances are known as a “complaint” or a “formal complaint”, to distinguish them from matters that are resolved informally.

A **complaint** is an expression of dissatisfaction by a student or person, as outlined in the scope of this policy (hereafter referred to as a complainant) about an issue related to a Kaplan qualification, or an individual associated with the School which requires review, investigation or action. All students are entitled to access the complaints process. Activities which may give rise to academic and/ or non-academic complaints covered by this policy are listed below:

- learning programs (content or structure);
- subject enrolment, delivery, assessment, learning environment; outcomes, access to resources;
- student services and their processes (including contractor or employee conduct);
- individuals who believe that they have been treated unfairly on the grounds of access and equity;
- occupational health and safety concerns related to subject delivery and/or assessment; and
- administrative action/inaction, procedure or decision.

An **appeal** is a process whereby a student or a person disputes a decision made by the School or a determination made regarding a complaint or penalty in relation to an act of misconduct.

Policy Principles

Complaints will be addressed based on the circumstances, however the following general principles will be adhered to:

- All complaints will be made and dealt with in a timely manner according to the complaints process.
- Resolution of a complaint may be reached at any stage. Upon resolution, all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation or resolution considers further investigation is warranted.
- Details of the complaint, its investigation and outcome will be documented and filed appropriately. The complaint and investigation documentation can be requested at any stage of the process by the complainant or respondent.
- In the event of a complaint not being resolved internally, Kaplan and the complainant may

appoint an independent arbiter to review the complaints and recommend a solution.

- Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- All internal grievances, complaints and appeals by students, parents or prospective students are dealt with, at minimal or no cost.
- The complainant and respondent will not be victimised or discriminated against in any manner and all details of the complaint and subsequent investigation will remain strictly confidential.
- A student may seek confidential, independent professional advice at any stage of a complaint.
- The complainant is entitled to ask for assistance in the form of a translator/ interpreter at any time during the process.
- The complainant and respondent may bring one person (such as a friend, family member, counsellor or other support person) to represent/support them to any meetings during the complaint process the student is obliged to notify Kaplan that a support person will be attendance prior to the meeting. The support person cannot be a legal practitioner.
- Students will continue their studies as usual during the complaint process, except in circumstances where their health or safety is potentially at risk or if they pose a health or safety risk to others.
- For students on an Overseas Student Visa studying in Australia where the complaint relates to them being excluded from a Kaplan course due to not completing their course in the required time frame, or not making satisfactory course progress, the student will be notified in writing that they will be reported to the Department of Home Affairs and this may result in their student visa being cancelled. The student will be informed that they have 20 working days to access the appeals process.
- The outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the “Continuous Improvement Register” and implemented throughout Kaplan’s operations.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed once the complaint and the supporting evidence have been considered by the manager assigned to investigate and process the complaint.

Grievance and Complaint Process

Stage 1: Grievance received

In the first instance, issues relating to a grievance should be raised informally with the staff member concerned. If this is impractical or the grievance cannot be resolved, the student or person (as outlined in the scope of this Policy) may request to speak with the Student Services Manager or the Principal/Campus Director (campus relevant) if it is a non-academic matter or the Director of Studies if it is an academic matter. After discussion, if the student is not satisfied with the resolution of the grievance, a formal written complaint may be lodged with the School.

Stage 2: Lodging a Formal Written Complaint

All formal written complaints must be submitted within ten (10) working days of the incident.

In exceptional circumstances e.g. where a student is unable to provide a written submission due to a special circumstance requiring reasonable adjustments, the School may allow a formal complaint to

proceed.

When lodging a formal written complaint, complainants must complete the “Complaint Form”. To assist in the resolution of a complaint it is helpful if complainants include the following information when communicating their complaint:

- if lodging the form via email, use the word “Complaint” in the email subject line;
- if applicable, identify the course and/or study period;
- summarise the issues relating to the complaint;
- provide any evidence of attempts to resolve the complaint – emails, examples, dates, times etc.; and
- specify the outcome that is being sought.

Formal written complaints and/or appeals should be sent to the relevant addresses below:

KIL Melbourne/Adelaide	KIL Brisbane	KIL Perth	KIL Sydney
Principal Executive Officer Adelaide: Lvl 9, 68 Grenfell Street, Adelaide, SA 5000 Melbourne: Lvl 5, 370 Docklands Drive, Docklands, Melbourne, VIC 3008 Or by email to: anzsupport@kaplan.com	Principal Executive Officer Ground Level, 369 Ann Street, Brisbane, QLD 4000 Or by email to: anzsupport@kaplan.com	Principal Executive Officer 1325 Hay Street, West Perth WA 6005 Or by email to: anzsupport@kaplan.com	Principal Executive Officer 98 – 104 Goulburn Street, Sydney NSW 2000 Or by email to: anzsupport@kaplan.au

The Principal Executive Officer will assign the complaint to the relevant manager for investigation. The complainant will receive written confirmation within 5 working days that their written complaint has been received. Should the complainant not receive confirmation within the 5 working days, they may then contact the School.

Stage 3: Investigation of Complaint

Upon receipt of a formal complaint, details will be recorded on the School's *Complaints and Appeals Register*. All complaints will be investigated within ten (10) working days of it being received or as soon as practicable (depending on the nature of the complaint) and resolved by the appropriate manager and in accordance with this Policy. Investigation of complaints may involve:

- reviewing worked examination papers or assignments;
- reviewing course materials or resources;
- consulting other course participants;
- reviewing course evaluations
- reviewing processes if the complaint relates to an administrative or financial matter (such as enrolments and fee refunds);
- reviewing information provided if the complaint relates to bullying and/or harassment;
- review potential unfair treatment of individuals on grounds of access and equity;
- review processes if there are health and safety concerns regarding delivery of courses

and/or assessments; and

- speaking to relevant School staff members to obtain further information.

Where possible a complaint will be resolved promptly.

Stage 4: Interview conducted

Where there are grounds for further investigation of the complaint, particularly where it relates to learning, assessment or access and equity, a formal interview or meeting with the student/s involved in the complaint may be conducted to agree on an appropriate resolution.

Stage 5: Resolution of Complaint

Once the investigation has been conducted and a determination made, the complainant will receive a written response from the Director of Studies or Principal/Campus Director detailing the actions taken in response to the complaint and reasons of the outcome. This will usually occur within ten (10) working days of acknowledgement of the complaint, or as soon as practicable (depending on the nature of the complaint). If for some reason the investigation or determination takes longer, the complainant will be advised in writing.

If the School receives no communication from the complainant within ten (10) working days of the date the written response is sent, the complaint will be considered closed, except in exceptional circumstances.

Any determination made in relation to a formal complaint will be documented in the *Complaints and Appeals Register*.

Appeals Process

Stage 1: Submitting and Appeal

Right to Appeal

Any complainant subject to a determination in relation to a complaint, who believes that they have grounds for appeal, is entitled to appeal that determination. For all matters (academic or non-academic), the matter is escalated to the School Principal Executive Officer or delegate for final determination.

All complainants on an Overseas Student Visa may be subject to a “*Notification of Intention to Report*”.

Notice of Appeal

- If a complainant decides to appeal a determination, they must lodge a written “Notice of Appeal” within ten (10) working days of the determination being made;
- Appellants on an Overseas Student Visa, subject to an “Intention to Report Letter” will be informed that they have 20 working days to access the appeals process;
- The appeal must set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the

complaint. It should also specify the outcome sought;

- There is no cost incurred for the appellant during the appeals process;
- Parties will not be discriminated or victimised during the complaint process; and
- Failure to provide a completed “Notice of Appeal” with supporting new evidence may result in the appeal not being heard.

Grounds of Appeal

An appeal of a determination may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available;
- that the decision was made without due consideration of relevant facts, evidence or circumstances;
- that there was bias, prejudice or a conflict of interest by the investigative or hearing body; or
- that some significant policy/procedural irregularity occurred in the investigative or hearing process.

Students may not Appeal against Academic Results based on:

- the subject structure and assessment methods;
- student workload or the amount of work the student has done;
- financial implications of not passing the subject;
- grades received by the student in other subjects; and
- the need for additional marks to enable a pass/better grade.

Stage 2: Investigation of Appeal

Formation of the Appeal Committee

The Appeals Committee will comprise of at least two (2) members, the School Principal Executive Officer and one other member of the management team. The Appeals Committee must not include any member who has:

- a personal involvement or connection with the student, or with the matters to be heard, or
- been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest or would lead a reasonable person to conclude a bias, prejudice or conflict of interest in relation to the complaint.

A non-voting secretariat is charged with keeping records of the hearing.

Duties of the School's Principal Executive Officer

On receiving the appeal application, the Principal Executive Officer (or delegate), will review the application and determine whether to grant or dismiss the application.

If the Principal Executive Officer believes there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, the appeal may be dismissed without proceeding to hearing in the case of the Appeals Committee. The determination is final and must be communicated to the appellant in accordance with the standards set out in this Policy. Where an appeal application is dismissed, appellants will receive written notification within five (5) working days of the decision and informed of further appeal avenues.

Stage 3: Appeal Hearing

If the Principal Executive Officer decides to proceed with the appeal, a meeting of the Appeals Committee will be convened within a reasonable time, which will normally not be more than ten (10) working days after the "Notice of Appeal".

Duties and Powers of the Appeals Committee

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fit, based on general principles of natural justice and procedural fairness.

The Appeals Committee has the power to:

- Hear the appeal in relation to the determination of the complaint
- Review, uphold, dismiss or vary the determination of the complaint
- Refer the matter back to the School for further inquiry and determination

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the appellant and any representative of the School. The Appeals Committee may also refer to documentation or evidence tendered during the investigation or hearing as well as any other information relevant to the appeal. The Director of Studies or the Principal/Campus Manager (campus relevant), or their nominee, may, on behalf of the School, defend the original determination.

At the appeal hearing, the appellant concerned may be accompanied or assisted by a third party if so desired but must advise the School prior to the hearing if they intend to do so. Both parties, the appellant and the School may not appoint a legal representative to represent them at the appeal hearing.

The Appeals Committee may reasonably adjourn at any time during the appeal hearing to consider any matter it deems relevant.

Stage 4: Resolution of Appeal

Appeals Committee Decision

At the completion of the hearing, the Appeals Committee must decide and communicate the outcome to the School within five (5) working days of the hearing.

The Appeals Committee decision will be forwarded to Student Support Services who will communicate the outcome in writing to the appellant usually within ten (10) working days of the decision being made or as soon as practicable (depending on the nature of the appeal). If for some reason the investigation or determination takes longer, the appellant will be advised in writing. Student Support Services will also be responsible for enacting any recommendations.

The appellant may withdraw their appeal at any stage in the process. If the appeal is withdrawn by the appellant, no further appeals will be accepted and the appeal will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Committee may determine what action is to occur. Where the Appeals Committee dismiss an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

The proceedings and decision of an appeal will be kept private and confidential, as outlined in the School's "Privacy Policy". A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Committee (or delegate) is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation.

External Independent Review

Students on an Overseas Student Visa may contact the Overseas Student Ombudsman (<http://www.ombudsman.gov.au/How-we-can-help/overseas-students>). If the external appeal agency contacts the School, then during the duration of the external appeal the student will not be reported to the Department of Home Affairs nor have their enrolment cancelled until the process has been completed or the student withdraws their external appeal. Students should note that their visa may be affected if their Confirmation of Enrolment (Coe) lapses during the period of external appeal.

The parties will agree to be bound by the external independent mediators' recommendations and the School will ensure that any recommendations arising from the decision will be implemented as soon as practicable from the time of the receipt of the decision made by the Resolution Institute, the external independent review body engaged in the appeals process.

The School will advise the complainant/appellant of all preventive or corrective actions taken as required in the decision made by the external reviewer.

Students may also contact the Australian Skills Quality Authority (ASQA).

More information to be found currently at: <https://www.asqa.gov.au/complaints> .

Contact details for External Independent Review Bodies:

Overseas Student Ombudsman	Telephone: 1300 362 072 Website: https://www.ombudsman.gov.au/How-we-can-help/overseas-students
Australian Skills Quality Authority (ASQA)	Telephone: 1300 701 801 Website: https://www.asqa.gov.au/

Please note:

- Students are able to make compliant in their own language by contacting the Translating and Interpreting Service (TIS) on 131 450 or visit the following link for more information: <https://www.tisnational.gov.au/>
- The School will maintain the student's enrolment while the internal or external appeal process is ongoing. Students are strongly advised that they come to class during this process and maintain their attendance and course progress requirements.
- For students in South Australia, from 31st October 2019, the Office of the Training Advocate is no longer offering the service to act as an External Appeals body for South Australian education and training providers. The Office of the Training Advocate will continue to provide:
 - advocacy services for both domestic and international students;
 - assistance in the resolution of disputes through independent mediation.
- More information on the services offered by the Office of the Training Advocate can be found at following link: www.trainingadvocate.sa.gov.au .
- The availability of this complaints and appeals process, does not remove the right of the student to take action under Australian Consumer Protection Laws if the Australian Consumer Law applies.

Recordkeeping for Complaints and Appeals

Where a complainant/ appellant lodges a formal complaint or appeal they must be advised of:

- the receipt of the complaint or appeal by the School and any proposed action to be taken; and
- the outcome and the reasons for the outcome of the complaint or appeal and any further avenues for appeal available.

All records relating to the complaint and/or appeal will be recorded on the complainant's/appellant's record and maintained as outlined in the *Student Record Management Policy* to allow both parties access to these records upon written request.

All records are considered private and confidential and will be treated in accordance with the School's "Privacy Policy".

Relevant Legislation

As a registered education provider, the School operates under strict laws and regulations. Policies and Procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

Education Services for Overseas Students Act 2000 (ESOS Act 2000)

<https://www.legislation.gov.au/Details/C2018C00210>

Education Services for Overseas Students Regulations 2019

<https://www.legislation.gov.au/Details/F2019L00571>

National Code of Practice for Providers of Education and Training to Overseas Students 2018

<https://www.legislation.gov.au/Details/F2017L01182>

ELICOS Standards 2018 <https://www.legislation.gov.au/Details/F2017L01349>

Privacy Act 1988 (Cth) <https://www.legislation.gov.au/Details/C2019C00241>

Related Policies

This Policy should be read in conjunction with the following Kaplan policies:

- Assessment Policy
- Course Progress and Intervention Policy
- Attendance Progress and Intervention Policy
- Refund Policy
- Diversity, Inclusion and Equity Policy
- Sexual Harassment Prevention and Response Policy
- Prevention of Harassment and Bullying Policy
- Student Record Management Policy
- Privacy Policy

Amendments

The School reserves the right to amend this policy at its discretion. All changes and amendments to our policies are published on Kaplan International Languages Australia website.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this policy.

Policy Category	Operations
Responsible Officers	Principal Executive Officer
Implementation Officer	Director of Studies, Principal/Campus Manager (campus relevant)
Review Date	January 2021
Approved by:	

Principal Executive Officer				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
2.0	Kaplan Australia Quality, Regulations and Standards Team in collaboration with the team at Kaplan International Languages.	Revised policy.	23.01.2020	30.01.2020