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Complaints and Appeals Policy



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Complaints and Appeals Policy

Purpose

This policy outlines the Nexus Institute of Australia's approach to managing complaints and appeals and ensures that all students are aware of the steps to take to have their dissatisfaction addressed appropriately. It provides an avenue for all complaints to be addressed in a fair, efficient and confidential manner.

Scope

This policy applies to all students.

Objective

The NIA should effectively:

- Manage and respond to allegations involving the conduct of:
 - The Nexus Institute of Australia (NIA), its trainers, its assessors or other staff.
 - A third party providing services on the NIA's behalf.
 - A learner of the NIA.
- Manage requests for a review of decisions, including assessment decisions, made by the NIA or a third-party providing services on the NIA's behalf.

Policy Details

The NIA should:

- Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- Ensure the policy are publically available
- Set out the procedure for making a complaint or requesting an appeal
- Ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- Make every effort to reach a determination and communicate it to the student as soon as possible and anyway within 60 days of the formal complaint/appeal being received. Where there are circumstances that prevent this, the NIA will notify the student in writing of this fact and give reasons why together with a planned date of completion.
- Ensure that the decision maker is independent of the decision being reviewed
- Provide for review by an appropriate party independent of the NIA and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- Securely maintains records of all complaints and appeals and their outcomes, and
- Identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Principles of Natural Justice

This policy and procedures are designed to support the student's right to natural justice. For the avoidance of doubt, these principles will override any others that may be proscribed below.

The NIA will:

- Keep all parties involved in any allegations fully informed of the issues, the case and any facts that may pertain to that party.
- Provide those involved an opportunity to present their side of the matter so that an informed decision based on the facts can be made.
- Operate in a fair and unbiased way.

If you have been suspended or excluded

It is normal policy whilst a student is going through any formal complaint or appeal process that the student remains enrolled at the NIA and continue their studies and assessments in the normal way. However, if the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the Student Code of Conduct, then that suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the students' favour.

Student Legal rights

Nothing in this or any other policy removes the student's right to get legal advice and to instigate legal action against the NIA or others if they so choose.

Process and Procedure

The NIA strives to provide a quality service in a safe and secure environment. In the first instance it is better (subject to the circumstances) for the issue to be resolved at the time in a discussion with the relevant parties. Where this is not possible, or there is no resolution then this formal process is in place to expedite the resolution of the complaint or appeal.

The steps (in order of escalation) are:

- Informal Resolution
- Formal Resolution
 - A complaint: allegations involving the conduct of:
 - The Nexus Institute of Australia (NIA), its trainers, assessors or other staff.
 - A third party providing services on the NIA's behalf.
 - A learner of the NIA.
 - Internal Appeal:
 - Academic Appeal: Refers to students appealing an academic matter, which may include and it is not restricted to course progress, assessment outcomes, training delivery.
 - Non-Academic Appeal: refers to an appeal against any other decision made by the NIA, or against the determination of a complaint.
 - External Appeal: This refers to the matter being referred to an external body for mediation.

Students are advised that they should exhaust the internal process before resorting to an external appeal.

Informal Resolution

Whilst this is not a formal step in the process, students are encouraged to resolve the concern or difficulty directly with the staff member(s) and/or student(s) concerned. Any parties who have a complaint in the first instance are encouraged to approach the respondent with the object of informal resolution. However, it is recognized that this is not always appropriate, e.g. in cases of sexual harassment. If the complaint is not able to be resolved at this stage, the individual with the complaint has the right to consult, in confidence, any one of the following persons.

- Training Manager
- CEO

The student involved in an Informal resolution of a complaint will try to resolve the matter via discussion, negotiation and agreements. This is not a compulsory step.

If the complaint is not able to be resolved informally, then the student should lodge a formal complaint.

Formal Complaint

Where a complaint cannot be resolved informally, the student may submit a formal complaint to the Student Administration by submitting a completed Complaints and Appeals Form that will include a description of the matter, who is involved in it, and any other appropriate. The receipt of the complaint will be acknowledged in writing either by letter or via email to the addresses last registered by the student with the NIA.

The Student Administration Manager for Non-academic matters and the Academic Coordinator for academic matters will review the complaint. If the review is not favoured to the complainant, a meeting will be arranged consisting of Student Administration Manager or Academic Coordinator and a staff member to facilitate determination of a resolution within 14 days of receipt of the complaint. Where this is not achievable an update will be sent to the complainant in writing with reasons for the delay and planned timetable for resolution. The student may be accompanied and assisted by a support person at any relevant meetings. The information provided by the student will be taken into account in along with any other information or evidence received.

Once a determination has been made, the student will be given a written statement of the outcomes, including reasons for the decision within 3 working days of the decision being made. If the student is not happy with the decision, he will be given the opportunity to appeal against the decision within 7 working days of the receipt.

Internal Appeal

Student should appeal against the decision they believe is not fair within 7 days of either:

- A compliant written determination being received; or
- An academic decision being made that a student does not agree with.

To lodge an appeal, the student must complete an 'Appeal Form' stating as to why the original decision was in their view, 'unjust' to the student administration.

The Student Administration Manager will forward the 'Appeal Form' to the CEO, who will undertake a review, and may at his discretion call for input from any, or all interested parties. If the CEO's review is not favoured to the appellant, a meeting will be arranged consisting of Chief executive officer, Training Manager, Student Administration Manager, a staff member, complainant to facilitate determination of a resolution within 14 days of receipt of the appeal. Where this is not achievable an update must be sent to the appellant in writing with reasons for the delay and planned timetable for resolution. The appellant may elect to bring a third party to help them present their case as to why they believe the original decision was unjust.

Once a determination has been made the student will be given a written statement of the outcomes, including reasons for the decision within 3 working days of the decision being made. If the student is not happy with the decision he will be given the opportunity to lodge an external appeal against the decision within 7 days of the receipt.

External Appeal

In the unlikely event of a student still being unhappy with the outcome then they may submit the complaint and / or the internal appeal to external mediation.

The NIA has arranged with Resolution Institute who have agreed to furnish and independent mediator to review the case and make a final determination.

If a student has been through the internal process prior to seeking mediation, then the NIA agrees to pay 50% of the mediation costs to initiate the process. Where the student elects to not follow this procedure, then they are liable for all the mediation costs.

If the mediator finds against the NIA, then the NIA will reimburse the student for these mediation costs.

Record Keeping

The NIA will securely maintain records of all complaints and appeals and their outcomes in line with the Records Management Policy.

Identify Causes

The NIA will use the results of all complaints and appeals as inputs into its continuous improvement process to:

- Identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- Review against other complaints and appeals (if any) in an effort to identify underlying systemic issues and if identified put together an improvement plan.

Roles and Responsibilities

CEO is responsible.

Related Forms

- Complaints or Suggestion Form
- Internal Appeals Form
- External Appeals Form

Associated Documents

- Student Handbook
- Staff Handbook