

# Kelly Colleges

## QMS Online

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## National Code Part D - Standard 8. Complaints and appeals

### Overview

Kelly Colleges recognises that students will occasionally have a complaint concerning the academic programs, the operations of the college or other administrative matters. The College is committed to ensuring a clear, fair and equitable process aimed at positive resolutions and the restoration of positive and cooperative relationships. These policies and procedures have been designed to comply with the AQTF standards and the National Code 2007. The College will maintain the student's enrolment during the period of the complaint or appeal.

### **This policy explains the procedures for academic matters relating to:**

- Academic credit
- Academic misconduct
- Program progression (Probation and Exclusion)
- Curriculum content & delivery.
- Customer services and administration
- Marketing and information
- Facilities
- Fees and finance related matters
- Welfare

### Definitions

*A complaint* is when you are dissatisfied with a service offered or treatment received at Kelly Colleges.

*An Appeal* is when you believe a decision made by Kelly Colleges is unfair or incorrect and you want to have the decision reviewed.

### When students will receive this policy

A copy of the policy will be given to the student before a contract is entered into or an amount is paid, whichever happens first and again within 7 days after the student starts. If you do not understand this policy please ask one of our staff members to explain it to you.

## Policy Principles

The principles which underpin this policy are as follows:

- Students have the right to be represented by a third person (such as family member, friend, counsellor or other professional support person other than a qualified legal practitioner) if they so desire;
- A student's right to pursue other legal remedies is not restricted at any stage of the complaint procedure;
- Staff will make all attempts to respond to complaints within the time limits set out in this policy;
- The consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respect the right of a student to be heard by an impartial party;
- Students and staff will not be subject to discrimination or harassment resulting from their participation in the complaints process;
- All communications arising from the complaints process, together with the proceedings will remain confidential, except to the extent necessary to give effect to this Complaint and Appeals Policy.
- Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.

## Complaint Process

### Stage 1 - Informal

In the first instance, where a student feels that they are dissatisfied with some aspect of the service provided by Kelly Colleges' staff or contractors, it is suggested that they speak with the person in charge of delivering the service in an attempt to resolve the problem. (If your situation concerns a piece of assessment then you should speak to your teacher). If the matter is not resolved within 5 working days, the student can follow the formal complaints and appeal procedures.

### Stage 2 - Formal Complaint & Appeals Process (internal)

If the situation cannot be resolved in stage 1, the student is advised that they may make a formal complaint by filling out a **Complaints and Appeals Form**. This form is available at reception or online at [www.kellycolleges.com.au/](http://www.kellycolleges.com.au/) A meeting can be arranged with the parties involved where students have the right to appoint an independent nominee or bring a support person to attend all discussions. If a meeting is arranged, the minutes of the meeting will be taken and recorded in the student's file where they will be kept for 5 years.

The length of time to resolve the complaint or appeal may vary in accordance with the complexities of the case. Under normal circumstances the complainant or appellant can expect at least a provisional response within 10 working days of presenting their complaint. If the process takes longer, the complainant will be kept informed on the progress of the case. The complainant will be informed in writing of the outcome of their complaint or appeal including the reasons for the outcome. The details of internal complaint process and outcomes will be documented in the students' file.

A student will not be charged any fees for making an internal complaint or having that complaint investigated by Kelly Colleges. The College will maintain the students' enrolment while the complaints and appeals process is ongoing.

### Stage 3 – External Appeals

There are several options for students should they choose to take their complaint to an independent body if they are dissatisfied with the outcome of the internal appeal outlined in stage 2. This means that an external and independent mediator will investigate a student's complaint.

The mediator is currently the Australian Council for Private Education and Training (ACPET). The student will be notified of the decision within one month of application. Students must lodge their appeal via email and attach the appeal form. The ACPET website provides students with a Contact email for lodging the appeal and an Application Form for External Review:

[student.appeals@acpet.edu.au](mailto:student.appeals@acpet.edu.au). There is a fee payable to ACPET to lodge an External Appeal.

### **Australian Council for Private Education and Training**

*Lennons Commercial Tower*

*Level 26, 76 Queen Street*

*Brisbane Qld 4000*

*Ph: (07) 3210 1628*

*Fax: (07) 3210 6347*

*Email: [qld@acpet.edu.au](mailto:qld@acpet.edu.au)*

### **Other Options**

If you are undertaking a Program, in the Vocational sector and you can contact the Department of Employment and Training on (07) 3237 1764 for further advice.

**1. Dispute Resolution Centres:** The Department of Justice and Attorney-General runs a number of Dispute Resolution Centres throughout Queensland. You can request mediation at one of these Centres in an effort to resolve your problem, however the college or institute will need to consent to being involved, and any outcomes of mediation will not be legally binding. You can find out more about mediation through the Department of Justice and Attorney-General by telephoning: (07) 3239 6269 in Brisbane or 1800 017 from the rest of Queensland.

**2. Small Claims Tribunal:** If your dispute involves student fees or other charges (including where you feel that the course delivered did not match the description given when you enrolled), and the total sum involved is less than \$7500, you may be able to bring a claim before the Small Claims Tribunal. Lawyers are not involved in Small Claims Tribunal hearings, and costs are generally limited to filing fees of less than \$100. You can find out more about the Tribunal by telephoning (07) 3247 4578. If you are outside Brisbane you should contact your nearest Magistrates Court or community legal centre.

**3. Anti-Discrimination Tribunal:** If your problem relates to the way you have been treated by your college or institute due to matters such as your sex, pregnancy, age, race, impairment, religion, political belief or lawful sexual orientation, you should contact the [Anti-Discrimination Tribunal](#) for further advice by telephoning (07) 3239 6408

**4. CRICOS:** Students concerned about our conduct may contact the State Registration Authority for CRICOS. Concerns should be addressed to: The Manager, CRICOS Registration, Office of Non-State Education, Queensland Department of Education, PO Box 15033, City East, Queensland 4002.

### **Enrolment during complaint or appeal process**

The College will maintain the student's enrolment while the complaints and appeals process is ongoing.

### **Outcome of External Appeal**

If either the internal or any external complaint handling or appeal process results in a decision that supports the student, the college shall immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

### **Important Note Regarding \*Under 18 Suspected Abuse or Bullying**

Please note that in cases where students under 18 year of age have lodged a complaint of abuse or bullying (formally *or* informally), normal procedures for complaints and appeals will not be used. These complaints are to be immediately referred to the Student Services Manager who will contact the appropriate party which could be either:

1. The child's parents or legal guardian
2. Police 000
3. Department of Communities (Child Safety Services) 1 800 811 810| 07 3224 8045

The underage student is to be removed from the threatening situation *immediately* (within the same day) and will be placed in a safe and suitable alternative arrangement until long term arrangements can be made.

**This Complaints and Appeals Policy does not remove the complainant's right to pursue other legal remedies**