

COMPLAINTS HANDLING POLICY AND PROCEDURE

1 PREAMBLE

Sydney Metropolitan English Institute is committed to providing a fair and transparent complaint-handling process. The Institute makes a concerted effort to ensure that a student-centric philosophy is adopted by staff. The delivery of quality education, teaching and learning are core to the values of the Institute and its mission and vision. Feedback from students relating to complaints or grievances is of utmost importance to the Institute and its strategic direction.

2 PURPOSE

The purpose of this policy is to document the process of student complaints and grievances, but also student compliments.

3 SCOPE

This policy applies to all student complaints and grievances. This policy applies to and may involve issues concerning the conduct of:

- Sydney Metropolitan English Institute as an organisation, its trainers, assessors or other staff;
- Third party's services provided on the behalf of Sydney Metropolitan English Institute, including education agents, or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
- its trainers, assessors or other staff; or
- a student of Sydney Metropolitan English Institute.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by students. A complaint may be made by an employer about Sydney Metropolitan English Institute or by the trainer about the conduct of the student. Throughout this policy we refer to the person making a complaint as simply the complainant.

4 COMPLAINTS AND GRIEVANCES

A complaint or grievance is a cause for complaints or objections due to unfair treatment or the perception of unfair or unreasonable treatment or outcome. It can also be behaviour by an actor (respondent) that leads the complainant to feel an unbalanced or un-reasonable or negative decision by another person or party that violates the principles of natural justice or fairness and equity.

5 EARLY RESOLUTION OF COMPLAINTS

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

6 RELATIONSHIP TO CONTINUOUS IMPROVEMENT

Frequently, the complaints handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints handling is very positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

7 GUIDING PRINCIPLES

The Institute operates under the following guiding principles when responding to a complaint and in the implementation of this policy and procedure.

- All students from all backgrounds, age groups, sexual orientation, beliefs or other distinguishing factors will be treated equally.
- Complainants and respondents will not be the subject of discrimination or harassment resulting from their participation in the complaints process.
- This complaints process does not limit, restrict or affect the complainant's right to pursue other remedies.
- Complaints handling procedures, including this policy and procedure, are publicly available via the Institute web site and the Learning Management System.
- A complainant has the right to be represented by a third party if they so choose.
- If the complaint or grievance relates to enrolment, the student will remain enrolled at the Institute as they await the outcome of the complaint.
- If a decision is in favour of the complainant, the Institute will immediately implement the decision and advise the complainant of the outcome in writing.

8 MAKING A COMPLAINT OR GRIEVANCE

Any student can make a complaint or raise a grievance at any time, regardless of their attendance, payment status, academic progress, or other distinguishing factors.

Sydney Metropolitan English Institute may receive a complaint in any form and does not need to be formally documented by the complainant in order to be acted on. Any person may make complaints.

To make a complaint, the person is recommended to complete the Sydney Metropolitan English Institute - Complaint Form. This form is available via our website or from the Sydney Metropolitan English Institute office.

The completed complaint form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

9 COMPLAINT HANDLING PROCEDURE

Sydney Metropolitan English Institute will apply the following procedure to its complaints handling:

- A complaint may be received in any form (written or verbal), although persons seeking to make a complaint are recommended to complete the complaint form available to them on the website. There is no time limitation on a person seeking to make a complaint. A person who makes a complaint must be **provided with a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that Sydney Metropolitan English Institute had received the complaint and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the complaint that they will receive a written response within 14 days and explain the complaint handling process and the person's rights and obligations.
- A written record of all complaints is to be kept by Sydney Metropolitan English Institute, including all details of lodgement, response and resolution. The complaints register within RTO Data is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint-handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.
- A complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- Sydney Metropolitan English Institute will conduct the assessment of the complaint in a professional, fair and transparent manner.
- Where a complaint is made about or involves allegations about another person, Sydney Metropolitan English Institute is obliged to inform this person about this complaint or allegation and provide them with the opportunity to respond and present information in response to the issues raised. This may be achieved through direct meetings or meeting via electronic means. Sydney Metropolitan English Institute must maintain a detailed record of these meetings in the form of a record of the conversation. At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.

- Where a complaint is received by Sydney Metropolitan English Institute which involves allegations about alleged criminal conduct, Sydney Metropolitan English Institute is to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on the Sydney Metropolitan English Institute website.
- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided with a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where Sydney Metropolitan English Institute Principal Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the PEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Sydney Metropolitan English Institute should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of Sydney Metropolitan English Institute and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.
- Sydney Metropolitan English Institute shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the student shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No Sydney Metropolitan English Institute representative is to disclose information to any person without the permission of the Sydney Metropolitan English Institute Principal Executive Officer. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint-handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right to reply. The complainant is entitled to have their complaint heard by a person that is without bias and may

not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.

- Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

9 INFORMING PERSONS AND RESPONDING TO ALLEGATIONS

Where a complaint involves one person making allegations about another person, it is a requirement for Sydney Metropolitan English Institute to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by a decision made by Sydney Metropolitan English Institute as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- put forward arguments in their favour,
- show cause why the proposed action should not be taken,
- deny allegations,
- call for evidence to disprove allegations and claims,
- explain allegations or present an innocent explanation, and
- provide mitigating circumstances (information aimed at reducing the severity, seriousness, of something).

Sydney Metropolitan English Institute also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and relevant persons subject to allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by the Sydney Metropolitan English Institute.

Where an allegation is made that involves alleged criminal or illegal activity and it is considered outside the scope and expertise of Sydney Metropolitan English Institute to investigate the matter, then in these circumstances, Sydney Metropolitan English Institute reserves the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

10 THIRD-PARTY REVIEW

Where the person making a complaint is not satisfied with the handling of the matter by Sydney Metropolitan English Institute, they have the opportunity for a body or person that is independent of Sydney Metropolitan English Institute to review his or her complaint following the internal completion of the complaint handling process.

Before a person seeks a review by an independent third party, they are requested to first allow Sydney Metropolitan English Institute to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the

person is not satisfied with the outcome, they have the right then seek a review by an independent third party.

Sydney Metropolitan English Institute will meet the full cost of the independent review.

11 UNRESOLVED COMPLAINTS

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.

If the complaint relates to administrative or procedural matters, the student may refer the complaint to the **Commonwealth Ombudsman** at <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

For complaints about purely academic matters, SMEI employs the **Resolution Institute**, the national association of dispute resolvers, as an appropriate third party. Head Office details are as follows:

- Address: Level 1, 13 Bridge Street Sydney NSW
- Phone: (+61 2) 9251 3366
- Free call: 1800 651 650
- Email: infoaus@resolution.institute
- Website: <https://www.resolution.institute>

SMEI will accept decisions by the *Resolution Institute* as final, advise the person making a complaint in writing and implement the decision without prejudice.

The following external agencies are also relevant points of referral the person may consider:

- In relation to consumer-related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to learners within the Student Handbook. It is expected that the above agencies will investigate the person's concerns and contact the Sydney Metropolitan English Institute for information. External agencies will typically request a copy of any record of how the complaint was handled by the person. Sydney Metropolitan English Institute is to ensure that the person is provided with a written response that they may use for this purpose.

The Sydney Metropolitan English Institute is to cooperate fully with agencies such as the Commonwealth Ombudsman, the Office of Fair Trading or ASQA that may

investigate the handling of a complaint. Sydney Metropolitan English Institute considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Sydney Metropolitan English Institute's internal arrangements.

12 RECORD MANAGEMENT OF COMPLAINT RECORDS

Records relating to complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records that are submitted by the complainant or generated by Sydney Metropolitan English Institute.

All records regardless of their format will be saved in a digital format into a secure folder located on the Sydney Metropolitan English Institute file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Principal Executive Officer.

To ensure records are maintained in a safe and suitable condition, the following is applied:

- Records must be kept securely to prevent them from being accessed by any non-authorised personnel.
 - Records must be kept confidential to safeguard information and to protect the privacy of complainants.
 - Records must be kept to avoid damage by fire, flood, termites or any other pests.
 - Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device.
- Electronic data is also to be backed-up off site.

13 PERIOD OF RETENTION OF COMPLAINTS RECORDS

Sydney Metropolitan English Institute is to retain records relating to complaints handling for a minimum of two (2) years after the student ceases to be an accepted student.

14 DESTRUCTION OF COMPLAINTS RECORDS

Sydney Metropolitan English Institute PEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

15 COMPLAINTS HANDLING PROCESS

