

Complaints Policy (Learners)

1. PURPOSE

To outline Holmesglen's commitment to accessible, timely, respectful and fair resolution of complaints initiated by a prospective, current or former learner and the principles to be followed for resolving such complaints.

2. SCOPE

Applies to complaints raised by prospective, current or former learners involving:

- a person, including Holmesglen learners, employees, or people external to Holmesglen with whom learners interact as part of a course
- third parties providing services on behalf of Holmesglen
- administrative issues or processes including complaints of mismanagement, unreasonable decisions, inconsistent application of Holmesglen policy or procedure, denial of procedural fairness, failure to provide rights
- matters that are not dealt with by other Holmesglen policies/procedures
- matters that are referred to Holmesglen by an Ombudsman, Victorian Equal Opportunity and Human Rights Commission, Australian Human Rights Commission, other government agencies or legal services.

3. POLICY STATEMENT

Holmesglen is committed to providing learners with a supportive and inclusive learning environment. As part of this commitment, Holmesglen recognises that, from time to time, learners may raise complaints relating to their experiences at the Institute.

Holmesglen supports learners who raise concerns and complaints and acknowledges the value of feedback for continuous improvement of the learner experience.

Holmesglen will respond to complaints in a respectful, timely and responsible manner, at no cost, and consistent with the principles of fairness, equal opportunity and natural justice.

4. PRINCIPLES

Lodging a complaint

- 4.1 Learners must attempt to resolve their complaint informally in the first instance. Should a learner deem that informal resolution is not possible, appropriate or satisfactory, they may submit a formal complaint.
- 4.2 A formal complaint must be made in writing by fully completing the prescribed form and include all required supporting documentation. Learners are assisted to formalise their complaint where required.
- 4.3 Anonymous complaints will be investigated at Holmesglen's discretion considering:
 - (a) the nature and seriousness of the complaint
 - (b) whether there is sufficient information for an investigation to be conducted
 - (c) whether there is a statutory requirement for investigation
 - (d) the limitations to verify claims made and to provide feedback or offer a resolution.
- 4.4 The Complainant may be referred to the appeals process if their complaint concerns a reviewable decision in accordance with the Appeals Policy (Learners) to streamline the reconsideration of the original decision.

Complaint resolution

- 4.5 At all times during the complaint resolution process, Holmesglen is committed to ensuring:
- (a) privacy and confidentiality
 - (b) timely resolution at the earliest possible stage
 - (c) transparency and consistency
 - (d) impartiality, fairness and equity.
- 4.6 All learners and employees must act in good faith and are expected to engage in the complaint resolution process with openness and transparency with the aim of reaching a fair and equitable resolution.
- 4.7 Holmesglen will close a complaint and take no further action where there is evidence that the complaint is false, malicious, frivolous or vexatious, or the Complainant's conduct is found to be unreasonable.
- 4.8 Holmesglen ensures learners do not suffer any victimisation or discrimination as a result of raising complaints. Intimidating, harassing, threatening or offensive behaviours are not tolerated from any parties.
- 4.9 A formal complaint may be referred to the appropriate Holmesglen faculty/department or organisational unit to undertake an investigation and determine the legitimacy of the complaint.
- 4.10 The Complainant may be referred for assistance in preparing and submitting a complaint to appropriate advocacy and support services. A Complainant or Respondent may at any stage seek the assistance of a support person, other than a person acting in the capacity of a lawyer or who is a party to or associated with the complaint.
- 4.11 Where a Complainant or Respondent does not attend a meeting called to investigate and resolve the complaint, the matter may be determined in their absence.
- 4.12 Where there are concerns about risk or safety, Holmesglen may take immediate action to remove or isolate learners or employees from the campus or immediate learning/workspace while an investigation is carried out.
- 4.13 All parties to a complaint must respect privacy and confidentiality principles, except where the release of information is required by law.
- Holmesglen balances the right to confidentiality against the principles of procedural fairness and will not disclose the identity of the Complainant or witnesses to the Respondent where this may constitute a risk to safety.
- Complaint information is communicated with relevant internal stakeholders on a 'need to know' basis as relevant. International Student Programs/International Projects and Partnerships will be notified of international learners' complaints and involved in the resolution as appropriate.
- 4.14 A learner may at any time withdraw their complaint, by notice in writing. If a complaint is withdrawn, any processes arising out of the complaint may, at Holmesglen's discretion, be either continued or discontinued.
- 4.15 Learners have the right to appeal the outcome of the complaint resolution process in accordance with the Appeals Policy (Learners).

Communication, recordkeeping and reporting

- 4.16 Complaints are dealt with promptly and sensitively and are assessed on merit. All responses, correspondence and documentation are provided within the required timeframes.
- 4.17 Parties to a complaint will be kept informed of the progress and are provided with written advice of the determination(s) and the reason for the determination(s), within specified achievable timeframes.
- 4.18 The Complainant is informed in writing where Holmesglen considers more than 60 calendar days are required to process and finalise the complaint.

- 4.19 Complaint records and their outcomes are kept centrally, monitored and reviewed to ensure effective implementation of this policy.
- 4.20 Complaint data is analysed and reported to relevant Holmesglen committees on regular basis to identify systemic issues, opportunities for improvement and appropriate actions to improve Holmesglen operations and services.

5. ACCOUNTABILITIES

Action	Accountability
<ul style="list-style-type: none"> ▪ Oversee the implementation, monitoring and reporting requirements of this policy. ▪ Report to the Board on complaints with potential risk to the Institute's reputation or compliance with regulatory requirements and the actions taken in response. 	Chief Executive
<ul style="list-style-type: none"> ▪ Establish procedures and resources to ensure effective implementation of this policy. ▪ Ensure complaint records are kept securely and oversee the establishment and maintenance of a register of complaints. ▪ Provide annual analysis and reporting of complaints data. ▪ Monitor, review and improve effectiveness of complaints handling within Holmesglen. ▪ Determine if an anonymous complaint will be investigated. ▪ Determine if any processes arising out of a withdrawn complaint will be continued or discontinued. 	Executive Director, Engagement and Support
<ul style="list-style-type: none"> ▪ Coordinate complaint investigation, resolution, communication and reporting processes. ▪ Consult with and support complainants to attempt to informally resolve their concern and/or make a formal complaint. ▪ Communicate decisions relating to complaint process and outcome within prescribed timeframes. ▪ Register complaints and ensure all records relating to the complaint are held in Holmesglen's Document Management System. ▪ Analyse learner complaints data on regular basis to identify systemic issues, opportunities for improvement and appropriate action to improve Holmesglen operations and services. 	Complaints and Appeals Coordinator
<ul style="list-style-type: none"> ▪ Provide information and training to employees in relation to the learner complaints policy and procedure, and effective response/management. ▪ Give consideration to learner concerns and complaints within their responsibility. ▪ Assess the complaint, determine and undertake appropriate action in accordance with the Learner Complaints Procedure. ▪ Report on all child safety and wellbeing and sexual harassment /assault matters. ▪ Respond to learner complaints in a timely manner and with courtesy and respect. ▪ Document and report the investigation outcome, reasons for the findings, and any internal improvement recommendations. ▪ Implement any actions to be taken as a result of the investigation and resolution process within nominated timeframe. 	Executive Director Dean/Associate Dean/Head of Centre Associate Director Head of Department/ Principal Relevant manager

Action	Accountability
<ul style="list-style-type: none"> Analyse learner complaints data on regular basis to identify systemic issues, opportunities for improvement and appropriate action to improve Holmesglen operations and services. 	
<ul style="list-style-type: none"> Perform periodic quality audits on complaint management processes to ensure compliance and report findings. 	Manager, Internal Audit or Executive Officer, Quality and Educational Compliance

6. DEFINITIONS

Term	Meaning
Appeal	A process to seek reconsideration of a reviewable decision under Holmesglen policies and procedures where the learner is dissatisfied with an adverse decision or perceives an adverse outcome. This term covers both internal appeals and external appeals.
Complaint	An expression of dissatisfaction by a complainant that their rights, existing interests and/or reasonable expectations have been adversely and unjustifiably impacted because of an action, decision or omission within the control or responsibility of Holmesglen. Any circumstance related to Holmesglen operations, services, and decisions, or the conduct of its employees, its learners, or people associated with Holmesglen or using Holmesglen facilities may be the subject of a complaint.
Complainant	Person making a complaint.
Confidentiality	An assurance that complaint information will only be shared with those persons critical to the investigation and resolution of an issue.
Informal complaint	<ul style="list-style-type: none"> May be an enquiry or raise a concern that is suitable to be addressed informally and usually resolved easily (eg through discussions with a Holmesglen employee, clarification of a misunderstanding) or, An expression of dissatisfaction with a decision or action or lack thereof by Holmesglen, or the behaviour of a learner or an employee, where no formal response or resolution is requested or implicitly expected.
Formal complaint	A complaint that is submitted in writing to Holmesglen in accordance with the Complaints Procedure (Learners).
International learners	Includes: i) Overseas learners or 'overseas students' (as defined within the ESOS Act). This includes the enrolment of a person, (whether inside or outside Australia) who holds a 'student visa' to undertake study in a course that is registered on the CRICOS Register. Persons with the following visa are excluded (as defined in regulation 1.03 of the Migration Regulations 1994):

Term	Meaning
	<ul style="list-style-type: none"> ▪ a Subclass 576 (Foreign Affairs and Defence Sector) visa, or ▪ a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa, or ▪ a secondary exchange student within the meaning of the Migration Regulations 1994, or ▪ an overseas student who has been approved under a scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia. <p>ii) Offshore learners who undertake programs while remaining in their country of origin.</p>
Natural justice	<p>Natural justice, also known as procedural fairness, is concerned with the procedures used by a decision-maker, rather than the decision reached. It requires a fair and transparent procedure be used when making a decision, which includes the Respondent being informed of the complaint. All parties to a complaint (Complainant and Respondent) must be afforded natural justice.</p> <p>Natural justice requires that all:</p> <ul style="list-style-type: none"> ▪ people affected by a disputed matter are given the right to present their case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used ▪ hearings held to investigate and/or determine the matter are fair and conducted with transparency ▪ members of the decision-making body are free of bias and perceived bias or other personal interest in the outcome.
Managers	The person who is responsible for the operations of a faculty, department, centre, unit or another functional area within Holmesglen.
Procedural fairness	<p>Is present when processes ensure all parties</p> <ul style="list-style-type: none"> ▪ have a reasonable opportunity to have their viewpoint heard fairly, by impartial reviewers ▪ are well informed about the processes ▪ have a reasonable time-frame in which to follow those processes and the opportunity to review and respond to all evidence and submissions that are considered by the reviewers.
Respondent	A person(s) named in the complaint and against whom the complaint has been made.
Reviewable decision	A decision made by a Holmesglen employee in accordance with Institute policy and procedures, which includes the right for learners to appeal that decision. Appendix 1 of the Appeals Policy (Learners) references the reviewable decisions within Holmesglen policy and procedures.

Term	Meaning
Support person	<p>A non-legally trained observer who accompanies the Complainant or Respondent during any stage of the complaint resolution process. This may be a Holmesglen Student Wellbeing Officer, friend, family member or health professional. The support person must not:</p> <ul style="list-style-type: none"> ▪ have a conflict of interest in relation to the complaint. This includes being involved in, associated with, or alleged to be involved in the complaint ▪ speak or make arguments on behalf of the Complainant or Respondent unless they are assisting a learner with disability to present their case.
Unreasonable complainant conduct	Behaviour by a current or former Complainant which, because of its nature or frequency, raises substantial health, safety or resource issues for the parties to a complaint.

7. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Academic Integrity Policy
Appeals Policy (Learners)
Assessment and Moderation Policy (Higher Education)
Assessment Policy (VET)
Conduct Rule
Child Safety and Wellbeing Policy
Discipline Policy (Learners)
Privacy Policy
Sexual Harassment and Sexual Assault Policy

External

Higher Education Standards Framework (Threshold Standards) 2021
Standards for Registered Training Organisations 2015
National Code of Practice for Providers of Education and Training to Overseas Students 2018
Higher Education Support Act 2003 (Cth)
Charter of Human Rights and Responsibilities (Vic)
Independent Broad-based Anti-corruption Commission Act 2011 (Vic)
Privacy and Data Protection Act 2014 (Vic)
Public Interest Disclosures Act 2012 (Vic)
Child Safe and Wellbeing Standards
Equal Opportunity Act 2010 (Vic)
Freedom of Information Act 1982 (Vic)
Education and Training Reform Act 2006 (Vic)
Ombudsman Act 1973 (Vic)

8. REVIEW

- 8.1 This policy must be reviewed no later than three years from the date of approval.
- 8.2 The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

9. VERSION HISTORY

Version number	Date	Summary of changes
1	February 2019	New policy.
2	August 2021	Updated to clarify the scope of the policy applies to learner-initiated complaints and responding to learner complaints referred by external agencies.

Version number	Date	Summary of changes
3	April 2023	Minor updates to anonymous complaints, accountabilities and definitions.
4	December 2023	Updated policy to separate learner appeals from this complaints policy and further minor editorial changes.