

# Complaints Policy (Learners)

## 1. PURPOSE

To outline Holmesglen's commitment to accessible, timely, respectful and fair resolution of learner complaints 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, contractors or volunteers, 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, or failure to provide rights
- Matters that are not dealt with by other Holmesglen policies/procedures at Holmesglen's discretion
- 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 Holmesglen.

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

Holmesglen responds to complaints at no cost, and consistent with the principles of fairness, equal opportunity and natural justice.

## 4. PRINCIPLES

### General principles

- 4.1 Parents, carers or other family or community members may complain on behalf of a learner if the learner:
  - a) Is under 18 years of age
  - b) Has a disability
  - c) Has instructed such a person to make a complaint on their behalf. Holmesglen may require evidence that the learner has given such instructions.
- 4.2 Learners must consent to disclosure of their personal and/or health information to a third-party acting on their behalf in relation to a complaint in accordance with Holmesglen's Privacy Policy.
- 4.3 Complainants should attempt to resolve their complaint informally, directly with the faculty or department, in the first instance. Should a Complainant deem that informal resolution is not possible, appropriate or satisfactory, they may submit a formal complaint.
- 4.4 Informal complaints are escalated as a formal complaint if the complaint is:
  - a) Serious in nature including any allegation of a serious breach of Holmesglen's Code of Conduct
  - b) A conflict of interest
  - c) The second (or subsequent) complaint received alleging the same types of behaviours by the same individual

- d) Alleging improper conduct or action of a manager.
- 4.5 Formal complaints are centrally managed by appropriately qualified and experienced employees to ensure effective implementation of this policy.
- 4.6 A Complainant may be referred to the appeals process if the complaint concerns a decision made by Holmesglen in accordance with the Appeals Policy (Leaners).
- 4.7 Holmesglen balances the right to anonymity against the principles of procedural fairness. Holmesglen may grant or deny requests of anonymity from Complainants and witnesses.
- 4.8 Anonymous complaints may be accepted 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) Fairness to the Respondent.
- 4.9 An Executive Director, Associate Director, or their nominee may, at their discretion, request an investigation be carried out by the Lead Investigator based on information they receive. They may also request the Lead Investigator's assistance with any ongoing investigation they are conducting.
- 4.10 Holmesglen aims to resolve formal complaints within 30 calendar days from the date of receipt.

#### **Lodging a formal complaint**

- 4.11 Formal complaints must be made within 60 calendar days of the alleged conduct occurring or improper action. Holmesglen may accept complaints made more than 60 calendar days after the alleged conduct occurring or improper action being taken in certain circumstances, including where an allegation is of a sensitive nature.
- 4.12 The Complainant may be referred for assistance in preparing and submitting a complaint to appropriate advocacy and support services.

#### **Complaint resolution**

- 4.13 At all times during the complaint resolution process, Holmesglen is committed to ensuring:
  - (a) Privacy and confidentiality in accordance with relevant legislation
  - (b) Resolution at the earliest possible stage
  - (c) Transparency and consistency
  - (d) Impartiality and fairness to all parties.
- 4.14 All parties to a complaint are expected to engage in the complaint process in good faith.
- 4.15 Holmesglen may close a complaint and take no further action where:
  - (a) There is evidence that the complaint is false, malicious or frivolous
  - (b) A Complainant's conduct is found to be unreasonable or contrary to Holmesglen's Code of Conduct
  - (c) It is unlikely that an investigation would produce evidence upon which a finding could be made.
- 4.16 If a complaint is closed on grounds in item 4.15 (a) or 4.15 (b), the Complainant may be subject to other Holmesglen disciplinary processes.
- 4.17 Holmesglen may report complaints, or any information collected as part of any investigation into a complaint to an external agency (for example Victoria Police, the Commission for Children and Young People, and/or Child Protection) at its discretion, whether or not it is required by law. If such a report is made to law enforcement, Holmesglen employees are required to cooperate with law enforcement.

- 4.18 Holmesglen makes every effort to ensure that learners do not suffer any victimisation or discrimination because of making a complaint. Intimidating, harassing, threatening or offensive behaviours are not tolerated from any party at any stage throughout the complaint process. Engagement in such behaviours may result in referral to other Holmesglen conduct or disciplinary processes or referral to an external agency such as Victoria Police.
- 4.19 A Complainant or Respondent may at any stage seek the assistance of an appropriate support person. A support person may be a friend, family member, colleague, fellow student or other appropriate adult. Learners under the age of 18 who do not have appropriate support will be provided with support by Holmesglen throughout the complaints process.
- 4.20 Where a Complainant or Respondent does not attend a meeting or interview that is scheduled as part of the complaint process or any investigation, the matter may be determined without such meeting or interview taking place. Meetings or interviews may be rescheduled up to a maximum of three times by either party.
- 4.21 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.
- 4.22 All parties to a complaint or any investigation must not discuss details of the complaint or details of any evidence they give as part of any investigation, except with an appropriate support person or where the release of information is required by law.
- Complaint information is communicated with relevant internal stakeholders on a 'need to know' basis. International Student Programs/International Projects and Partnerships will be notified of international learners' complaints and involved in the complaints process as appropriate.
- 4.23 A Complainant may at any time withdraw their complaint. If a complaint is withdrawn, any processes arising out of the complaint may, at Holmesglen's discretion, be either continued or discontinued.
- 4.24 Learners have the right to lodge an internal appeal of the outcome of the complaint process in accordance with the Appeals Policy (Learners).

### **Complaints involving Holmesglen employees**

- 4.25 Where a Holmesglen employee is a Respondent to the complaint:
- (a) People Experience will be notified immediately when a complaint is received
  - (b) The Respondent may be subject to other Holmesglen processes as appropriate
  - (c) The Respondent will not be interviewed as part of the complaints process
  - (d) All information gathered as part of the complaints process and any investigation may be provided to People Experience.
  - (e) Any information gathered by People Experience may be provided to the complaint investigator.
- 4.26 Where a Holmesglen employee is a witness to the complaint they are expected to engage in the complaints process, and any investigation, in good faith. Failure to do this may result in referral to employee conduct and discipline processes.
- 4.27 If it is determined by the complaint investigator that a Holmesglen employee may be a potential witness or may hold information relevant to any investigation, that employee must:
- (a) Attend any meeting or interview scheduled as part of the complaint process
  - (b) Provide any information requested by the investigator.

### **Communication, recordkeeping and reporting**

- 4.28 All responses, correspondence and documentation are provided within the required timeframes.
- 4.29 All parties to a complaint will have an opportunity to respond except where the respondent is a Holmesglen employee. In this instance the employee will have an opportunity to respond through

People Experience and not through the complaints process. Details of this response may be provided by People Experience to the investigator, for the purposes of making investigation findings.

- 4.30 Complainants and Respondents are provided with written advice of the outcome(s) and the reason for the outcome(s), at the end of the complaint and investigation process. Where the Respondent is a Holmesglen employee, outcomes will be provided by People Experience, in accordance with the appropriate policies.
- 4.31 Complaint outcomes may be shared with other parties at the discretion of Holmesglen, or where it is required by law.
- 4.32 The Complainant is informed in writing where Holmesglen considers more than 60 calendar days are required to complete the complaint process.
- 4.33 Complaint records and their outcomes are kept centrally, monitored and reviewed to ensure effective implementation of this policy. Complaint records are managed in accordance with Holmesglen's Records Management Policy and Retention and Disposal Schedule.
- 4.34 Complaint data is analysed and reported to relevant Holmesglen committees on regular basis to identify systemic issues and opportunities for improvement.

## 5. ACCOUNTABILITIES

Action	Accountability
<ul style="list-style-type: none"> <li>Oversee the implementation, monitoring and reporting requirements of this policy.</li> <li>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.</li> </ul>	Chief Executive
<ul style="list-style-type: none"> <li>Establish procedures, training and resources to ensure effective implementation of this policy.</li> <li>Ensure complaint records are kept securely and oversee the establishment and maintenance of a register of complaints.</li> <li>Ensure annual analysis and reporting of complaints data and feedback and oversee improvements to complaint processes.</li> </ul>	Executive Director, Engagement and Support
<ul style="list-style-type: none"> <li>Determine if an anonymous complaint will be investigated.</li> <li>Determine if any processes arising out of a withdrawn complaint will be continued or discontinued.</li> <li>Investigate serious complaints.</li> <li>Keep appropriate case notes for investigations.</li> <li>Communicate complaint outcomes to all relevant parties.</li> <li>Coordinate and oversee complaints reporting.</li> <li>Liaise with People Experience where complaints are received about Holmesglen employees.</li> <li>Provide information and training to employees in relation to the learner complaints process.</li> <li>Monitor, review and improve effectiveness of complaints processes at Holmesglen.</li> </ul>	Lead Investigator Note: Where the complaint is about the Lead Investigator the Executive Director, Engagement investigates the complaint
<ul style="list-style-type: none"> <li>Consult with and support Complainants to make a complaint.</li> <li>Assess incoming complaints and allocate for further investigation as appropriate.</li> <li>Investigate low-level and non-serious complaints.</li> </ul>	Student Complaints and Appeals Officer

Action	Accountability
<ul style="list-style-type: none"> <li>Keep appropriate case notes for investigations.</li> <li>Make findings on investigations in consultation with Lead Investigator</li> <li>Communicate the outcome of complaints to all relevant parties where appropriate.</li> <li>Escalate serious complaints to Lead Investigator</li> <li>Register complaints and ensure all records relating to the complaint are held in Holmesglen's Document Management System.</li> <li>Analyse learner complaints data on regular basis to identify systemic issues and opportunities for improvement.</li> </ul>	
<ul style="list-style-type: none"> <li>Resolve any informal / non-serious complaints within the business unit in accordance with Holmesglen procedures.</li> <li>Refer any serious complaints to Lead Investigator.</li> <li>Implement any actions to be taken as a result of an investigation outcome.</li> </ul>	Executive Director Dean/Associate Dean Associate Director Head of Department Relevant manager
<ul style="list-style-type: none"> <li>Perform periodic quality audits on complaint management processes to ensure compliance and report findings.</li> </ul>	Manager, Internal Audit or Executive Officer, Quality and Educational Compliance
<ul style="list-style-type: none"> <li>Report all child safety and wellbeing concerns and breaches of Holmesglen's Code of Conduct in accordance with relevant policies and procedures.</li> </ul>	All employees

## 6. DEFINITIONS

Term	Meaning
Appeal	A process to seek reconsideration of a decision made by Holmesglen where the learner is dissatisfied with an outcome. This term covers both internal appeals and external appeals.
Appellant	Person lodging an appeal.  May also be a person lodging an appeal on behalf of a learner in accordance with the Appeals Policy (Learners).
Complaint	An expression of dissatisfaction by a complainant that their rights, existing interests and/or reasonable expectations have been adversely 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.  May also be a person making a complaint on behalf of a learner in accordance with the Complaints Policy (Learners).

Term	Meaning
Confidentiality	<p>An assurance that complaint information will only be shared on a 'need to know' basis, or where disclosure is required by law or where Holmesglen reports information to an external agency whether or not it is required by law.</p> <p><b>Note:</b> confidentiality does not mean anonymity.</p>
Employee	Includes all Holmesglen employees, members of governing bodies, contractors and volunteers.
Formal complaint	A complaint that is submitted to Holmesglen in accordance with the Complaints Policy (Learners).
Informal complaint	A concern that is suitable to be addressed informally and usually resolved easily (eg through discussions with a Holmesglen employee, clarification of a misunderstanding).
Investigator	<ul style="list-style-type: none"> <li>▪ The person carrying out any investigation into any complaint:</li> <li>▪ May be: <ul style="list-style-type: none"> <li>– Student Complaints and Appeals Officer</li> <li>– Lead Investigator, Student Complaints and Appeals</li> <li>– Executive Director, Engagement and Support</li> <li>– Another senior Holmesglen employee, where appropriate</li> </ul> </li> </ul>
International learners	<p>Includes:</p> <p>i) Overseas learners or 'overseas students' (as defined within the ESOS Act).</p> <p>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.</p> <p>Persons with the following visa are excluded (as defined in regulation 1.03 of the Migration Regulations 1994):</p> <ul style="list-style-type: none"> <li>▪ a Subclass 576 (Foreign Affairs and Defence Sector) visa, or</li> <li>▪ a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa, or</li> <li>▪ a secondary exchange student within the meaning of the Migration Regulations 1994, or</li> <li>▪ 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.</li> </ul> <p>ii) Offshore learners who undertake programs while remaining in their country of origin.</p>

Term	Meaning
Natural justice	<p>The principles of natural justice require that:</p> <ul style="list-style-type: none"> <li>▪ All parties have the right to be heard</li> <li>▪ Decision-making processes must be fair</li> </ul> <p>This means that:</p> <ul style="list-style-type: none"> <li>▪ The complainant is given the right to present their case</li> <li>▪ Respondents are provided with the information that will be used in any decision-making process</li> <li>▪ Investigators and any decision makers are free of any perceived, potential or actual conflict of interest.</li> </ul>
Manager	<p>The person who is responsible for the operations of a portfolio, faculty, department, centre, unit or another functional area within Holmesglen. Includes Executive Directors, Associate Directors, Deans, Associate Deans, Heads of Department and Service Area Managers.</p>
Procedural fairness	<p>Is present when processes ensure all parties</p> <ul style="list-style-type: none"> <li>▪ Have a reasonable opportunity to have their viewpoint heard fairly, by impartial reviewers</li> <li>▪ Are well informed about the processes</li> <li>▪ Have a reasonable timeframe in which to follow those processes and the opportunity to review and respond to all evidence and submissions that are considered by the reviewers.</li> </ul>
Respondent	<p>A person(s) named in the complaint and against whom the complaint has been made.</p>
Decision	<p>A decision made by Holmesglen in accordance with policy and procedures.</p>
Support person	<p>An observer who accompanies the Complainant or Respondent during any stage of the complaint process. This may be a Holmesglen Student Wellbeing Officer, friend, family member, colleague, health professional or other appropriate adult. The support person must not:</p> <ul style="list-style-type: none"> <li>▪ Have a conflict of interest in relation to the matter.</li> <li>▪ Be a party or a potential party to any investigation</li> <li>▪ Speak or make arguments on behalf of the Complainant or Respondent unless they are assisting a person with disability to present their case</li> <li>▪ Be a lawyer.</li> </ul>

## 7. CONTEXT AND/OR REFERENCED DOCUMENTS

### Internal

Academic Integrity Policy

Appeals Policy (Learners)

Assessment and Moderation Policy (Higher Education)

Assessment Policy (VET)

Code of Conduct

Conduct and Discipline Policy (Learners)

Child Safety and Wellbeing Policy

Privacy Policy



Sexual Harassment and Sexual Assault Policy

Records Management Policy

Record Retention and Disposal Schedule

### External

Higher Education Standards Framework (Threshold Standards) 2021

Standards for Registered Training Organisations 2015

Minimum Standards for Registration to Provide an Accredited Senior Secondary or Foundation Secondary Course

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.
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.
5	June 2025	Updated accountabilities for complaint processes, inclusion of relevant child safety and wellbeing considerations and general updates to reflect current business processes following centralisation of the investigation function.