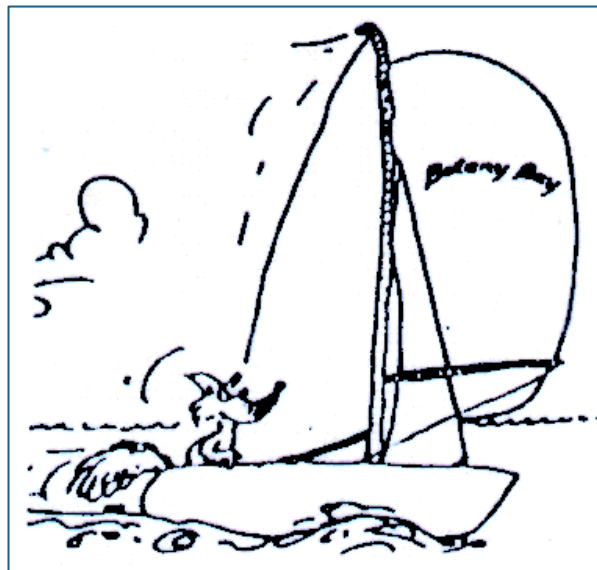




# Sailingworld Pty Ltd

ACN:092 478 718



## POLICY AND PROCEDURE STUDENT COMPLAINTS AND APPEALS

Status	Current
Version	1-2024
Last review date	30 August 2024
Reviewed by	Sailingworld CEO
Summary of changes from previous version	Minor amendments post-annual review



## STUDENT COMPLAINTS AND APPEALS POLICY

### PURPOSE AND SCOPE

**1.1** The purpose of this Policy is to outline the principles and framework for resolving grievances at Sailingworld and to provide for the review of both academic and non-academic decisions made at Sailingworld.

**1.2** This Policy sets the expectations for a fair, equitable, transparent and timely complaints handling and appeals process in order to improve student experience.

**1.3** The Policy outlines the provision of comprehensive, free and easily accessible information about the process to all students, including the students' right to refer a complaint or appeal to a relevant external agency.

**1.4** The Policy applies to students, prospective students, graduates and staff at Sailingworld.

**1.5** The Policy covers complaints and appeals related to student experience including enrolments, academic programs, assessment, student progress, breaches of academic integrity, bullying, discrimination or harassment, administrative operations, staff or another student. It does not cover complaints from staff which are covered by the Sailingworld Complaint Handling and Resolution Policy.

### POLICY STATEMENT

**1.6** Sailingworld students have access to fair and impartial appeal and complaint resolution processes that provide for:

- Natural justice and procedural fairness.
- Transparency, accountability and confidentiality.
- Effective, reciprocal communication and feedback.
- The handling of grievances informally where possible and if appropriate.
- Resolution of grievances as early as possible and as close as possible to the source of dissatisfaction.
- The provision of regular procedural review.
- The enhancement of the appeals process and outcomes.

### PRINCIPLES

**1.7** Sailingworld takes all reasonable steps to ensure that all prospective students, current students, client organisations and staff are aware of Sailingworld Student Complaints and Appeals Policy and that it is accessible to them. Students receive information about this Policy prior to enrolment, during orientation and through Sailingworld website.

**1.8** Complainants must make complaints or appeals responsibly. Sailingworld treats them seriously and have regard for the rights of all parties. All complaints must be made individually. Malicious complaints are treated as student misconduct and are dealt with in accordance with the Sailingworld's Student Code of Conduct.

**1.9** The rights of all parties involved in a complaint or appeal are protected.

**1.10** Where possible, a complaint is dealt with at the local level and involves those directly affected. This provides an opportunity to achieve a satisfactory outcome for those matters that can be resolved informally.



**1.11** If the matter cannot be resolved informally, complainants may lodge a complaint or appeal in writing. Written complaints and appeals must be in English. All complaints and appeals received are brought to the attention of the CEO for review. Receipt of the complaint or appeal is acknowledged in writing within two (2) business days and all reasonable measures are taken to finalise the process within 15 business days.

**1.12** No fee is charged to lodge an internal complaint or appeal.

**1.13** Any party to a complaint may be assisted or accompanied by a support person at relevant meetings. Legal representation may attend with seven (7) business days' notice.

**1.14** Requests for privacy and confidentiality will be considered by the staff member managing the complaint. This includes consulting with the support person and/or the complainant as appropriate. Staff requiring guidance on this matter should seek advice from CEO.

**1.15** All parties involved in a complaint or appeal are kept informed regularly, in writing, of progress or outcomes, including the reasons for the outcome.

**1.16** A student will remain enrolled and continue their studies during the complaint or appeal procedure, except in circumstances where their health or safety is potentially at risk, or where the student poses a health or safety risk to others.

**1.17** A complainant may withdraw their complaint or appeal at any time. The complainant/appellant must promptly advise the staff member managing the complaint or appeal that the complaint or appeal has been withdrawn. This advice must be provided in writing. The staff member managing the complaint or appeal advises all parties within two (2) business days that the complaint or appeal has been withdrawn. Sailingworld may still choose to investigate the complaint or appeal.

**1.18** A student has the right to refer a complaint or appeal to a relevant external agency at any time. Where this occurs, Sailingworld may take further action in response to the complaint or appeal following the external agency's determination. External agencies may include but is not limited to the Office of the Training Advocate, Equal Opportunity Commission, Australian Human Rights Commission, or Police.

**1.19** Any action arising from a complaint or appeal is expeditiously implemented in accordance with the relevant Sailingworld policy or procedure, where applicable.

**1.20** Penalties may be instituted against anyone who victimises or retaliates against a complainant or a support person of either party.

## **ROLES AND RESPONSIBILITIES**

**1.21** The Sailingworld CEO is responsible for the application of this Policy

**1.22** The Sailingworld CEO is responsible for:

1. Establishing and maintaining appropriate procedures to oversee and monitor implementation of this Policy and the Complaints and Appeals Procedure.
2. Creating a report annually on Student Complaints and Appeals.
3. Considering complaints and appeals lodged by students in relation to academic and non-academic matters as set out in the Complaints and Appeals Procedure.
4. Ensuring students are provided with information about, and assist them to resolve, complaints and appeals



## STUDENT COMPLAINTS AND APPEALS PROCEDURE

### PURPOSE AND SCOPE

**2.1** Sailingworld Student Complaints and Appeals Procedure sets out the procedures for implementing Sailingworld Student Complaints and Appeals Policy.

**2.2** Sailingworld aims to:

- Foster a culture that welcomes student complaints/appeals as a valuable opportunity to improve organisational or academic processes, student experience or training courses.
- Ensure that student complaints/appeals are resolved promptly and fairly. Privacy and confidentiality will be considered by the staff member managing the complaint.
- Ensure the principles of natural justice and procedural fairness are incorporated into the complaint handling process to ensure that decision-making is fair and reasonable.
- Ensure natural justice is observed when it affects the rights, interests or legitimate expectations of individuals.
- Ensure actions are implemented to prevent recurrence of issues.

**2.3** The Procedure provides complainants and appellants a clear process to follow in order to register a complaint and/or appeal. It ensures that all parties involved are kept informed of the resulting actions and outcomes throughout the resolution process.

### MAKING A COMPLAINT

**2.4** A complaint must be received in writing in order for it to be acted on. Complaints may be made by prospective, current or past students, or client organisations (where the complaint is student-related). There is no time limitation on a person who seeks to make a complaint.

**2.5** The Sailingworld Student Complaints and Appeals Policy is publicly available. Sailingworld's website and Student Handbook provides guidance on where the policy can be accessed.

**2.6** All complaints should be addressed to the Sailingworld CEO. It is recommended that complainants complete the Student Complaints form which is available on the Sailingworld website.

- The complainant receives a written acknowledgement no later than two (2) business days from the time the complaint is received, using the written acknowledgement email template. The acknowledgement informs the complainant that they will receive a written response within fifteen (15) business days and explains the complaints handling process and the person's rights and obligations. The complaints handling process is explained in the Student Handbook
- The complaint must be entered into the Student Complaints and Appeals Register securely maintained on the common drive by the Sailingworld CEO.
- The Student Complaints and Appeals Register identifies the complainant and all affected parties, relations/roles with Sailingworld, nature of complaint, findings/outcomes, any links with the Continuous Improvement report, and the dates received and closed.

**2.7** Sailingworld CEO determines whether the complaint requires further investigation or consultation.



**2.8** Complaints are a standing item on the weekly Sailingworld Operations meeting to ensure that complaints are appropriately addressed and resolved. Where appropriate, confidentiality is maintained.

**2.9** Where a complaint is made about or involves allegations about another person (e.g. a trainer), Sailingworld is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised.

**2.10** Where a complaint is received which involves allegations of alleged criminal conduct, The CEO recommends the complainant refers the matter to the relevant Police Service.

**2.11** Should the matter require investigation to extend beyond the fifteen (15) business day decision period, the Sailingworld CEO reviews the outcomes of the investigation/consultation and determines the response within an acceptable timeframe. The complainant and all affected parties are notified within the initial fifteen (15) business day period that the investigation requires more time. The Complaints Response letter template is used to identify the findings and outcomes to the complainant. Section 5 details records retained by Sailingworld

**2.12** Where the issue is of a non-criminal nature Sailingworld maintains the enrolment of the complainant during the complaint handling process. Where the issue is of a criminal nature Sailingworld takes advice and direction from the relevant authority. Complaints regarding Sailingworld staff are addressed through The Complaint Management Policy.

**2.13** Decisions or outcomes of the complaint handling process that find in favour of the complainant shall be implemented immediately.

**2.13** The complainant and all affected parties are entitled to state their case and access all relevant information available in Sailingworld Misconduct documents. Complainants have a right of reply ensuring natural justice and procedural fairness is applied at every stage of the complaint process.

**2.14** When necessary, an independent panel, being the Student Complaints and Appeals Panel, is convened to hear the complaint/appeal. The panel will consist of three members of Sailingworld, ensuring diversity is represented in the selection. Student Complaints and Appeals Panel members will not have had previous involvement with the complaint. Panel members will be decided and advised by CEO and approved by the CEO. Panel membership will include a representative who is independent of Sailingworld.

**2.15** Sailingworld requests written acknowledgement from the complainant once the complaint has been resolved.

**2.16** Complaint handling procedures conclude with an analysis of the circumstances to identify any opportunities for improvement. Refer to Sailingworld Quality Assurance and Continuous Improvement Policy.

**2.17** The outcome of the complaint must be accurately updated and recorded in the Student Complaints and Appeals Register by the Sailingworld CEO.

**2.18** Once the internal complaint handling process has concluded, where the complainant remains unsatisfied, they will be advised they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.

**2.19** If the internal process fails to resolve the complaint or appeal, the Complaint or Appeals Process, the complainant may request a review be undertaken by an appropriate party independent of Sailingworld. Such services can be provided by the Australian Mediation Association, <http://www.ama.asn.au>. Sailingworld will pay the cost of one mediation session of up to two hours. Should the matter require further mediation, any subsequent cost of the mediation will be borne by the complainant or appellant



## MAKING AN APPEAL

**2.20** The Sailingworld Student Complaints and Appeals Policy is publicly available. Sailingworld's website and Student Handbook provides guidance on where the policy can be accessed.

**2.21** The areas a student may appeal a decision made by Sailingworld may include:

- academic appeals;
- deferral, suspension or cancellation decisions made in relation to a students' enrolment; OR
- Any other conclusion/decision made after a formal complaint has been dealt with by Sailingworld in the first instance, and where reasonable grounds can be established.

**2.22** An appeal must be received by Sailingworld using the Appeals Form available Sailingworld's website

**2.23** The student will summarise the basis of the appeal and the reason why they feel the initial decision was unfair.

**2.24** All appeals should be addressed to the Sailingworld CEO

- The appellant receives a written acknowledgement no later than two (2) business days from the time the appeal is received, using the written acknowledgement email template. The acknowledgement informs the appellant that they will receive a written response within fifteen (15) business days and explains the appeals handling process and the person's rights and obligations. The student complaints and appeals handling process is explained in the Student Handbook.
- The appeal must be entered into the Student Complaints and Appeals Register securely maintained on the common drive by the Student Administration Officer. The Student Complaints and Appeals Register identifies the appellant, nature appeal, findings/outcomes, any links with the Continuous Improvement report, and the dates received and closed.

**2.25** The Sailingworld CEO determines whether the appeal requires further investigation or Consultation

**2.26** Sailingworld maintains the enrolment of the appellant during the appeal handling process.

**2.27** For Academic appeals, where a student wishes to appeal an assessment decision, an alternative Assessor is assigned to re-assess the student's submission.

**2.28** Should the appeal investigation extend beyond the fifteen (15) business day decision period, the Sailingworld CEO reviews the outcomes of the investigation/consultation and determines the response within an acceptable timeframe. The appellant is notified within the initial fifteen (15) business day period that the review requires more time. The Appeals Response letter template is used to identify the findings and outcomes to the complainant.

**2.29** When necessary, an independent panel, being the Student Complaints and Appeals Panel, is convened to hear the complaint/appeal. The panel will consist of three members of Sailingworld, ensuring diversity is represented in the selection. Student Complaints and Appeals Panel members will not have had previous involvement with the complaint. Panel members will be decided and advised by CEO and approved by the CEO. Panel membership will include a representative who is independent of Sailingworld.

**2.30** Appeal handling procedures conclude with an analysis of the circumstances to identify any opportunities for improvement. Refer to the Sailingworld Quality Assurance and Continuous



**2.31** The outcome of the appeal must be accurately updated and recorded in the Student Complaints and Appeals Register by the Sailingworld CEO.

**2.32** Once the internal appeal process has concluded, where the appellant remains unsatisfied, they will be advised they have the right to refer the matter to any external authority/agency that may be relevant to their complaint

## **RECORD KEEPING**

**2.33** All records are kept in line with the Sailingworld Records Policy and Procedure.

- Records are kept of every complaint and appeal including names of all those affected, description of the complaint/ appeal, supporting documents if any, immediate action taken, records relating to the investigation.
- All records regardless of their format are saved in a digital format in a secure folder located on Sailingworld common drive file storage. Restricted access to this folder is given to the Sailingworld CEO. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated.

--end of document--