

Date of approval	19 December 2024	Approved by:	Senior Executive Team (SET)
		Review date	31 December 2027
Date of effect	19 December 2024	Version	v1 2024
Responsible Owner	Deputy Chief Executive Officer - Operations		
Functional Manager	<ul style="list-style-type: none">• Director Student Experience for student issues,• Director People and Culture for staff issues, or• Deputy CEO Operations for issues in relation to this policy or complaints by external individuals or organisations.		

This Policy does not apply to complaints or reports raised in relation to suspected corrupt conduct under the *Independent Commissioner Against Corruption Act 2017* (ICAC Act). For complaints or reports in regard to suspected corrupt conduct refer to the Fraud and Corruption Control Policy, and the Whistleblower Reporting (Improper Conduct) Procedure and Guideline

1. Policy Statement

The Batchelor Institute of Indigenous Tertiary Education (the Institute) acknowledges that complaints against the organisation may at times be warranted. The Institute recognises that complaints represent an opportunity to improve the services that the Institute provides to its students, staff and communities.

Staff, Students and external individuals or organisations can raise complaints about Institute courses/programmes, services, staff, students, administrative systems or decisions.

Where possible the Institute encourages complainants to raise concerns with those directly involved first, and attempt to resolve the issue/complaint at that level as soon as practicable. The rights of all concerned will be respected throughout the process.

2. Application of the Policy

This policy applies to any issue/complaint raised by an Institute student, staff member or external individual or organisation. The issue or complaint may apply to courses/programmes, staff, students, services, administrative systems or decisions.

Complaints about the performance or conduct of an identified employee of the Institute are recorded by the Complaints Coordinator and are investigated by the Institute's People and Culture directorate.

Complaints regarding an enrolled student will be investigated by the Institute's Student Experience Directorate.

Complaints about the performance or conduct of the CEO or Deputy CEO will be addressed by the Institute Council, with assistance of the Director People and Culture, where required.

The nature of some complaints will require Institute staff to undertake mandatory reporting as required by legislation.

Exclusion. While the principles outlined below generally relate to systems of complaints and appeals, this policy does not apply to complaints and appeals raised in respect of the following issues for which there is other specific policy and/or procedural guidance (refer to Sections 7 and 8):

- academic decisions,
- academic promotions,
- recruitment and selection, or
- suspected corrupt conduct under the ICAC Act.

3. Principles

The following principles govern how complaints are handled regardless of the specific procedures used:

3.1 Fairness

- 3.1.1 The rights of both the complainant and respondent are protected.
- 3.1.2 Both parties are treated fairly.
- 3.1.3 Each complaint is managed in an objective and unbiased manner and dealt with on its merit.
- 3.1.4 *Objectivity.* Institute staff involved in managing a complaint will not have a personal interest in the case. There is an expectation that an Institute staff member would recuse themselves from managing or adjudicating if they have a personal interest in the case.

3.2 Respect for First Nations Culture and Traditions

Respect for First Nations culture and traditions, includes, but is not exclusive to:

- 3.2.1 Being aware and respectful of cultural differences.
- 3.2.2 Being aware that cultural differences and similarities exist without assigning them a value.
- 3.2.3 Working to create an environment that is spiritually, socially and emotionally safe, as well as physically safe.
- 3.2.4 Requiring a humble and respectful attitude towards others.
- 3.2.5 Being able to adapt your communication and behaviour to other cultural norms.
- 3.2.6 Recognition, protection, and continued advancement of the inherent rights, cultures and traditions of Aboriginal and Torres Strait Islander people.

3.3 Focus on health, safety and wellbeing

The handling of complaints will take into consideration the psychological, physical and cultural safety, and wellbeing of complainants and respondents.

3.4 Privacy and Confidentiality

- 3.4.1 The provisions of the Institute Privacy Policy apply.
- 3.4.2 Personal information related to complaints is strictly confidential on a 'need to know' basis.
- 3.4.3 Aggregated data may be shared if it does not identify, or likely to identify, individuals and is relevant to the complaint or for management purposes.
- 3.4.4 In some circumstances both parties may be required to sign non-defamation clauses at the conclusion of the complaints process.

3.5 Responsiveness and Early Resolution

- 3.5.1 Complaints will be dealt with in a timely and efficient manner and resolved at the lowest possible level and not elevated unnecessarily.
- 3.5.2 Where possible complaints will be resolved informally.
- 3.5.3 For students, the timelines set out in the Student Complaints and Appeals Procedure will be adhered to, and if this is not possible all parties will be notified in email/writing of the reason for the delay.
- 3.5.4 Parties will be notified in writing of the outcome of a complaint, including the reasons for the decision and any avenues for appeal.
- 3.5.5 Any actions required as a result of a complaint or an appeal being upheld are initiated promptly and notified to affected parties.

3.6 Accessibility

- 3.6.1 Information about this policy and supporting documents and tools, including how and where to lodge a complaint will be publicly available and widely disseminated, including publicly available on the Institute website, and disseminated via other appropriate channels.
- 3.6.2 The Institute will make no charge for lodging or processing a complaint.
- 3.6.3 Complainants and respondents to a complaint should have access to a support person and/or advocate, as necessary, at all stages of the process.
- 3.6.4 Complainants and Respondents should be formally advised of their right to obtain independent professional advice.
- 3.6.5 There is no requirement for the Institute to pay for either party to receive independent professional advice.

3.7 Resolutions

- 3.7.1 Complaints are resolved by negotiation between parties where possible.
- 3.7.2 The Institute recognises the validity of traditional principles of dispute resolution within First Nations communities and may, where appropriate, seek resolutions consistent with these principles.

3.8 A complaint may be withdrawn at any stage

- 3.8.1 No party will be disadvantaged if a complaint is withdrawn.
- 3.8.2 The Institute will not pressure any complainant to withdraw a complaint.
- 3.8.3 A respondent, or other parties, will not pressure any complainant to withdraw a complaint.
- 3.8.4 The Institute reserves the right to investigate/resolve a complaint even if the complainant subsequently decides not to proceed with the complaint.

3.9 The Institute reserves the right not to take action related to:

- 3.9.1 Anonymous complaints, those based on hearsay, or if the complainant does not provide sufficient information or does not respond within 30 calendar days to requests for further information.
- 3.9.2 Complaints raised more than 30 calendar days after an alleged incident/ problem occurred (if being raised by a member of the general public) or more than 90 calendar days (if being raised by a student or staff).
- 3.9.3 Vexatious complaints.

3.10 Right of Appeal/Reviews

- 3.10.1 There is a right of appeal/review for any decision made by the Institute in respect of a complaint. Parties to a complaint will be notified of their appeal rights.
- 3.10.2 Where possible, an initial appeal and/or review will be managed internally by the Institute.
- 3.10.3 If internal Institute processes fails to settle a complaint, the complainant, may in some circumstances, have the decision reviewed by an appropriate independent third party.

3.11 Record-Keeping and notifications

- 3.11.1 All complaints are to be recorded on a complaints register.
- 3.11.2 Decisions about complaints and appeals will be recorded including the time taken to reach a resolution.
- 3.11.3 All information held about a decision may be made available to an external independent third party that is reviewing that decision.
- 3.11.4 A summary of all complaints registered will be provided to the Council and FARMC, as appropriate.

4. Responsibilities

Responsibilities are outlined in:

- 4.1 **Students:** Responsibilities are as outlined in the Students and External Complaints, Grievances and Appeal Procedure.
- 4.2 **Staff.** Responsibilities are as outlined in
 - a. The Batchelor Institute Enterprise Agreement,
 - b. Staff Complaints and Grievances Procedure and Checklist, and
 - c. In regard to complaints by students as per the Students and External Complaints, Grievances and Appeals procedure.

4.3 Complaints Coordinator.

The responsibilities of a Complaints Coordinator are to:

- a. Register complaints and track basic milestones, actions, completion and further actions.
- b. Maintain a grievances and complaints register.
- c. Send an acknowledgement within two (2) working days to the complainant that their complaint has been received. and
- d. Provide regular reports to the Institute executive.

5. Making a Complaint

5.1 If a grievance or issue is not resolved, or is unable to be resolved at the workplace level, it can be escalated as a formal complaint by submitting a *Notification of Grievance or Complaint* form to the Complaints Coordinator at complaints@batchelor.edu.au.

5.2 Further guidance for staff and students can be found in:

For staff: Staff Complaints and Grievances Procedure and Checklist;

For students: Students and External Complaints, Grievances and Appeal Procedure.

The Notification of Grievance or Complaint Form and the procedures can be found on the Institute Policy Library.

6. Acronyms and Terms

Acronym/Term	Definition/Description
Advocate	Person(s) who is appointed to speak on behalf of the complainant or respondent. (e.g., member of staff or student, staff/student union/ association; an appointed associate or professional person; a colleague, family member, kinship group member).
ASQA	Australian Skills Quality Authority.
Complainant:	The person(s) raising the problem or laying the complaint.
Complaint	An issue that has been formally submitted and recorded on the register and requires a more formal process for resolution
Complaints Coordinator:	The person/position delegated to register complaints and ensure that they have been investigated.
Grievance	Generally minor issues that are suitable to be addressed informally and usually resolved easily..
Respondent:	The person(s) about whom the complaint is made or who has responsibility for the course/programme, service or management practice identified in the issue or complaint.

Acronym/Term	Definition/Description
Issue	An expression of dissatisfaction that can be resolved directly with the person or area involved without the need for formal action.
Support Person	Person(s) who provides support or advice to the complainant or respondent.
Staff	means individuals who are employed or engaged, by or for the Institute, and whether for reward or on a voluntary basis. It includes adjuncts, volunteers, contractors and individuals employed by contractors within or outside the Northern Territory. Contractors do not include trade contractors such as those employed by facilities or campus operations.
Student	Means a person enrolled as a student of the Institute
TEQSA	Tertiary Education Quality and Standards Agency.
Vexatious Complaint	A complaint that is manifestly without grounds, and may represent an abuse of process and cause the subject distress, detriment or harassment.

7. Supporting Documents

- Academic Rules
- Assessment Rules
- *Batchelor Institute of Indigenous Tertiary Education Union Enterprise Agreement*
- Notification of Grievance or Complaint Form,
- Staff Code of Conduct,
- Student Code of Conduct,
- Staff Complaints and Grievances Procedure and Checklist,
- Students and External Complaints, Grievances and Appeals Procedure,
- Privacy Policy,
- Harassment and Bullying Prevention Policy,
- Sexual Harassment Guideline,
- Student Conduct Rules,
- Fraud and Corruption Control Policy, and
- Whistleblower Reporting (Improper Conduct) Procedure and Guideline.

8. Related documents

- Users' Guide to the *Standards for Registered Training Organisations (RTOs) 2015*,
- *Higher Education Standards Framework (Threshold Standards) 2021*,
- *TEQSA - Guidance Note: Grievance and Complaint Handling*,

- NSW Ombudsman, March 2016, *Complaint Handling at Universities: Australasian Best Practice Guidelines*,
- Commonwealth Ombudsman, 2020, *Better Practice Guide to Complaint Handling*,
- Australia – New Zealand Standard (AS/NZS 10002:2022), *Guidelines for complaint management in organizations*,
- *Independent Commissioner Against Corruption Act 2017*, and
- *Information Act 2002*.

9. Modification history

<i>Date</i>	<i>Version</i>	<i>Authority</i>	<i>Modification Details</i>
December 2024	v1 2024	SET	New Policy. Incorporates Former (1) External Complaints Policy and (2) Student Complaints, Grievances and Appeals Policy

9. Feedback

If you have any comments or feedback about this policy, please contact:

- Director Student Experience for student issues,
- Director People and Culture for staff issues, or
- Deputy CEO Operations for issues in relation to this policy or complaints by external individuals or organisations.