

<b>Date of approval</b>	December 2024	<b>Approved by</b>	Director Student Experience
<b>Date of effect</b>	December 2024	<b>Review date</b>	31 December 2026
<b>Relates to</b>	Complaints Policy	<b>Version</b>	v1 2024
<b>Responsible Owner</b>	Director Student Experience		
<b>Functional Manager</b>	Director Student Experience		

**1. Purpose**

This procedure provides for the operation and management of external and student grievances, complaints, and appeals, in accordance with the Batchelor Institute of Indigenous Tertiary Education (the Institute) Complaints Policy.

**2. Procedures**

**2.1 Raising a Grievance**

- a. Grievances should initially be raised and (hopefully) resolved or resolution sought with the person/s directly involved as soon as possible after the incident or situation occurred.
- b. The most appropriate and convenient avenue for raising a grievance should be used in the first instance. This includes feedback given in course evaluations and surveys, other class feedback, direct approach to the person most directly involved and/or the manager responsible for the area of concern.

**2.2 Making a Complaint**

- a. If the grievance is not resolved, or the complainant is unable to identify the appropriate person to contact or lacks the confidence to do so, they can contact the Complaints Coordinator and/or submit a *Notification of Grievance or Complaint* form as an alternative to [complaints@batchelor.edu.au](mailto:complaints@batchelor.edu.au) .
- b. Any institute office holder who receives a grievance (written or verbal) that they are unable to resolve themselves will provide full details of the grievance to the Complaints Coordinator in writing within three (3) working days.
- c. The issue is formally considered as a complaint once it comes to the attention of the Complaints Coordinator, and they consider that the grievance is of a serious nature and/or has been ascertained that the grievance has not been resolved to the satisfaction of the complainant.
- d. The Complaints Coordinator has the power to refer a complaint to any appropriate office holder for consideration and potential resolution at a lower level if they identify that the complaint does not meet the initial threshold for a formal

complaint, or that there has been no opportunity to resolve the complaint at an appropriate level.

- e. The Complaints Coordinator will notify the complainant that they have received the complaint within two (2) working days of receiving the complaint.

### 2.3 Dealing with a Complaint

- a. The information received by the Complaints Coordinator via the *Notification of Grievance or Complaint* form or through other channels, is used as the basis for the Institute to determine the most appropriate procedure to follow in the specific case.
- b. The complainant will be informed of the following within ten (10) working days of the Complaints Coordinator first being notified of the Complaint, by the Investigating Officer:
  - confirmation that the Notification has been received,
  - the complaint reference number,
  - name of the Institute contact person responsible for handling the problem or complaint,
  - the designated procedure and any further details/documentation,
  - details of support that can be accessed through the Institute (e.g., advocate, support person(s), counselling),
  - advice that the student/external party is entitled to independent professional advice and a list of appropriate providers,
  - details regarding appeals/review procedures, and
  - details of the timeline that will be followed.
- c. In determining the appropriate procedure that should be followed the Institute Complaints Coordinator should:
  - (i) apply the principles stated in the Grievances and Complaints Policy; and
  - (ii) ensure that procedural fairness exists.
- d. There are several different procedures that the Complaints Coordinator can use to investigate the complaint. These include, but are not limited to, the following:
  - Mediation,
  - Restorative justice processes,
  - Investigation by an Institute staff member or management,
  - Investigation by a complaints committee, and
  - Investigation by an independent third party.

The choice of what approach to take will be dependent on the nature and severity of the complaint.

- e. If a Complaints Committee is established to investigate a complaint it is suggested that this committee should have as minimum membership:
  - Two staff members of the Institute who are not involved in the complaint,

- An Aboriginal and Torres Strait Islander representative, and
- A student member, if appropriate.

If specialised assistance is required to resolve the complaint, then this can be co-opted.

## **2.4 Decisions or Recommendations**

- Parties investigating a complaint can be given authority to make a binding decision or to make a recommendation to the CEO or delegate as to the course of action they believe to be appropriate.
- Prior to making a decision an adjudicator/investigator will need to be satisfied that the following elements of procedural fairness have been observed:
  - Complainants and respondents have had a fair opportunity to be heard,
  - All parties received adequate notice and engaged in the process as far as practicable,
  - All parties were informed of allegations made and by whom,
  - All parties had the right to respond to allegations or issues,
  - All parties were treated fairly, and
  - The process has been free of bias.

## **2.5 Appeals**

- Details regarding appeal/review procedures are provided to complainants and respondents at the time a problem or complaint is being considered.
- The initial appeal/review of a decision should be made by to an office holder within the Institute who is independent of the issue and original process, and who holds an appropriate position within the Institute. If this is not possible (e.g., CEO handled the complaint) then an appeal/review can be made direct to an independent third party.
- Alternatively, an appeal can be made through a mediation process if this is acceptable to all parties; assuming that the initial decision was not reached through mediation.
- All students have the right to appeal to the Ombudsman Northern Territory in relation to any administrative decisions made by the Institute. The Ombudsman is generally the office of last resort. If complainants have not followed the steps laid down in the relevant institute procedures, the Ombudsman may ask them to do so before accepting the complaint or grievance.
- A list of other appropriate independent appeal bodies will be provided to all parties to the complaint or grievance.

## **2.6 Record-keeping**

- The Institute Complaints Coordinator is to keep an electronic Grievance and Complaints Register which records each Grievance or Complaint they receive, including:
  - the names of all parties involved;
  - a complaint reference number,

- a summary of the issue/s raised, including the remedy or outcome sought;
  - the specific source of the issue/s; and
  - accurate and up-to-date summary file notes of any action initiated under this Procedure. More complete file notes are to be kept on the electronic file.
- b. An electronic and hard copy file is to be raised in regard to information relevant to a grievance or complaint. Hard copy information should be scanned to the electronic file. Both hard copy and electronic files are to be marked strictly confidential and held in a secure and restricted location. The information contained in the files should only contain information relevant to the complaint.
  - c. Electronic files relating to complaints must be kept for at least seven (7) years after the completion of the complaint or the student ceases their current enrolment; whichever date is the latter. Hard copy files relating to complaints must be kept for at least 12 months after completion of the complaint, including completion of any subsequent internal or external appeal.
  - d. In relation to grievances, an electronic file, including scanned copies of hard copy documents should be raised and kept for 12 months after completion of the grievance. A hard copy file may be kept if necessary; especially if it is considered that the issue may progress to a complaint.

### **3. Roles and Responsibilities**

#### **3.1 All staff responsibilities**

Responsibilities for members of staff in relation to a grievance or complaint by a student are:

- a. If receiving a grievance, in the first instance take the time to listen and decide whether it can be solved quickly or requires further investigation. Advice of a senior staff member or Student Support Officer may be sought on how to progress the issue.
- b. If it is considered that a grievance can be readily and satisfactorily resolved through discussion with the complainant, then this should be attempted.
- c. If the matter requires further action to resolve and the actions are within the ability of the staff member to undertake to the satisfaction of the complainant, then this should be attempted. A record should be kept of the grievance and any advice given or action taken. This record should then be sent to the complaint's coordinator.
- d. Where it is considered that a matter is so serious that it should be brought to the attention of senior staff, and/or is not within their ability to resolve, they should:
  - (i) Direct the complainant to the Complaints Coordinator, and/or
  - (ii) Provide the complainant with a copy of the Notification of Grievance or Complaint form and how to submit it, and
  - (iii) Additionally, the staff member will provide full details of the complaint to the Complaints Coordinator in writing within three (3) working days.

#### **3.2 Complaints Coordinator**

For the responsibilities of the Complaints Coordinator Refer to the Complaints Policy

### 3.3 Director Student Experience

The responsibilities of the Director Student Experience are:

- to oversee and monitor the system for student grievances and complaints;
- to facilitate investigations and resolution of students and external grievances and complaints; and
- normally in the first instance, the Director Student Experience is to assume the role of Complaints Coordinator in the situation where there is a complaint against the Complaints Coordinator.

## 4. Acronyms and Terms

For acronyms refer to the Complaints Policy.

## 5. Supporting Documents

- Complaints Policy,
- Notification of Grievance or Complaint Form,
- Student Code of Conduct,
- Staff Code of Conduct,
- Privacy Policy.

## 6. Modification history

<i>Date</i>	<i>Version</i>	<i>Authority</i>	<i>Modification Details</i>
December 2024	2024 v1.0		New Procedure. Incorporates Former (1) External Complaints Policy and (2) Student Complaints, Grievances and Appeals Policy and Procedure

## 7.0 Feedback

If you have any comments or feedback about this Procedure, please contact the Director Student Experience.