

5.9 Student and Client Complaint and Appeal (Consumer Protection) Policy

5.9.1 Preamble

Despite all efforts of the College to provide satisfactory services, complaints may occasionally arise requiring formal resolution. The following procedures provide students' and clients' opportunity to have any issues relating to a substantiated complaint or appeal systematically resolved and resolutions reached that aim to satisfy all parties involved. There are no fees or charges liable to a student or client through lodging a complaint or appeal through the College's Student and Client Complaints and Appeals (Consumer Protection) Policy. Complaints and appeals are monitored for continuous improvement purposes.

5.9.2 Scope

The Student and Client Complaints and Appeals (Consumer Protection) Policy applies to the handling of student or client complaints and appeals made against the actions and/or decisions of:

- Tuggerah Lakes Community College Limited (the 'College'), encompassing TLK Community College and TLK Youth College
- Staff including administrative personnel, teachers, trainers and assessors
- Students or clients and/or
- Any third party providing services on the College's behalf.

This Policy may not apply to:

- Complaints being investigated under State or Federal legislation by any external agency
- Matters already resolved under the TLK Youth College Student Complaints Statement.

Where a complaint raised through standard communications channels is serious and could result in reprisals as a result of lodging a complaint, it is recommended the matter be reported as a Protected Disclosure under the College's Whistleblower Policy.

This Policy and procedure does not affect a student's or client's right under relevant legislation or to make a complaint to an external or regulatory authority.

5.9.3 Definitions

Appeal: the process involved in requesting a formal change to an official decision. The decision appealed against may be an assessment decision or a decision about any other aspect of the College's operations.

Appellant: an individual who lodges an appeal or a group of individuals who do so.

Client: may be an individual (including students, parents, guardians or carers of students) as well as an entity such as business, organisation or government department that deals with the College.

Complaint: any type of problem, concern or grievance that a situation is unsatisfactory or unacceptable or is something believed to be wrong or unfair.

Complainant: an individual who lodges a complaint or a group of individuals who do so.

Complaints and Appeals Register: a register maintained by the College of complaints and appeals received, which is monitored as a basis of ongoing quality improvement.

Formal complaint or appeal: a complaint or appeal made in writing through completion and submission of a College *Complaints and Appeals Form*.

Third party: refers to a party appointed to provide services on the College's behalf including any teacher, trainer, assessor and/or staff working for the third party.

Independent investigator: is a member of the College community not involved in the matter who is capable of independently investigating the complaint or appeal according to procedural fairness and without conflict of interest.

Procedural fairness: the processes by which an outcome is reached and not the outcome itself. With regard to complaint resolution at the College, procedural fairness, which may also be referred to as natural justice, requires that a respondent to a complaint must be provided with:

- Sufficient details of the complaint to enable the respondent to formulate a response
- Information about the process by which the matter is to be resolved and
- Opportunity to put their case and respond to the complaint.

In addition:

- Any decision-maker must act impartially and without bias
- All relevant submissions and evidence must be considered
- Irrelevant matters must be disregarded
- The complaint must be dealt with in a timely manner.

Respondent: a person whom the complaint is about.

Student: refers to all persons enrolled in a course with the College and includes prospective students seeking enrolment with the College and all graduated students of the College for a period of twelve (12) months after graduation. The term 'student' can also refer to a group of students.

Support person: refers to a trusted colleague, representative or any individual who acts as a support to the person being interviewed. The support person should not be directly involved in the complaint and is expected to maintain the confidentiality of any information acquired as a result of their role. Both the complainant and the respondent are entitled to have a support person and/or an interpreter present at an interview conducted as part of a complaint or appeal investigation.

Working days: are business days and excludes weekends or public holidays.

5.9.4 Policy Statement

The College is committed to ensuring consumer protection through a fair student and client complaints and appeals process that:

- Is systematic, ensures procedural fairness and provides for fair resolution
- Accords with legislative and/or government contractual requirements
- Resolves complaints or appeals within sixty (60) calendar days of receipt or
- Advises the complainant or appellant in writing of the reasons why more than sixty (60) calendar days is required to resolve the complaint or appeal.

5.9.5 Student Rights, Responsibilities and Code of Behaviour Expectations

By enrolling as a student with the College, students accept and agree to expected standards of behaviour and conduct. For students of TLK Community College, this includes access to the College's Student Rights, Responsibilities and Code of Behaviour Policy, made available before enrolment in the Student Handbook on the College's website at <https://www.tlkcc.com.au/> or from reception.

5.9.6 Lodging a Complaint or Appeal

- Students or clients lodging a complaint or appeal should, where possible, initially discuss the complaint or appeal informally with the teacher, trainer, assessor or staff member involved in an effort to resolve the complaint or appeal satisfactorily at that level
- If the complaint or appeal is not satisfactorily resolved within ten (10) working days of being raised with the teacher, trainer, assessor or staff member, students or clients may submit a formal *Complaints and Appeals Form* available from reception or on the College's website at <https://www.tlkcc.com.au/>
- Complaints and Appeals Forms received by the College will be forwarded to the Chief Executive Officer (CEO) or delegate. The CEO or delegate may appoint a member of the College not connected to or involved with the complaint or appeal to investigate the matter. The appointed member may be required to:
 - Ensure the complaint or appeal is recorded on the Complaints and Appeals Register
 - Interview the complainant and the respondent (if there is one) and other parties involved and
 - Seek any further information considered necessary
- At interview, individuals may bring a support person if that is their choice and the investigator may include an observer to assist in the investigation
- The investigator may determine whether the complaint or appeal is justified and recommend appropriate action to be taken.

5.9.7 Notification of Outcome

On receipt of the investigator's report, the CEO or delegate may advise the complainant or appellant in writing of the outcome of the complaint or appeal. The advice may indicate whether the matter was substantiated or alternatively unable to be substantiated. Confidentiality constraints prevent the College from informing complainants or appellants of any action taken against individuals, including staff, where a matter has been deemed to have been substantiated.

When the complainant or appellant is satisfied with the resolution, the agreed actions will be implemented and the complaint or appeal will be closed.

Where more than sixty (60) calendar days are required to process and finalise a complaint or appeal, the College will inform the complainant or appellant as to why this extended period is required.

5.9.8 Right of Review and Appeal

If, after being advised the result of the investigation, the complainant or any respondent seeks to appeal the decision made by the investigator, a single appeal may be requested by:

- Stating in writing the reasons for the appeal using a *Complaints and Appeals Form* and
- Submitting the form to the College within ten (10) working days.

The CEO or delegate may appoint an independent investigator to review the case. Where appointed, the investigator may be required to review the matter and determine whether the principles of fairness were followed. The appellant or respondent may be requested to put their case in person.

Where more than sixty (60) calendar days are required to process and finalise the review, the College will inform the appellant or respondent as to why this extended period is required.

On receipt of the investigator's report, the CEO or delegate will advise the appellant or respondent of the decision.

5.9.9 Assessment Appeals

Where a student does not agree with an assessment result, the matter should initially be discussed with the teacher, trainer or assessor concerned. Following this initial conversation and if the matter remains unresolved, the student may lodge a *Complaints and Appeal Form*. Assessment appeals will follow the process and procedure as above, with investigation undertaken by an independent teacher, trainer or assessor appointed by the CEO or delegate.

If the appeal for re-assessment is proven, the College may appoint an alternative independent assessor, who will make all necessary arrangements to conduct the re-assessment of the student at a time that is mutually convenient.

5.9.9.1 Grounds for Assessment Appeal

An application for an assessment appeal may be considered where a student:

- Claims a disadvantage because the teacher, trainer or assessor did not provide a subject outline where applicable
- Claims disadvantage because the teacher, trainer or assessor varied, without consultation or in an unreasonable way, the assessment requirements as specified in the subject outline where applicable
- Claims disadvantage because assessment requirements specified by the teacher, trainer or assessor were unreasonably or prejudicially applied to the student
- Is of the view that a clerical error has occurred in the documenting of the assessment outcome or
- Claims that there is a discrepancy between the practical observation and the formal assessment.

5.9.10 Fees

Internal complaints and appeal services are free of charge.

5.9.11 Data Collection and Record Keeping

Complaints and appeals outcomes will be recorded in the College's Student and Clients Complaints and Appeals Register. A copy of the written outcome is kept with the complainant's file for a period of five years and, if the matter is substantiated, a copy will be kept with the respondent's file.

5.9.12 Confidentiality

Information identifying the complainant/appellant will be used to address the complaint and will be protected from disclosure unless express permission is granted by the complainant/appellant. Confidentiality constraints prevent the College from informing complainants/appellants of the action taken against individuals, including staff, where a matter is substantiated.

5.9.13 College Accountability

The College is accountable for and reports to the College's Board for actions and decisions with respect to complaint/appeal handling.

5.9.14 Students Enrolled in Smart and Skilled Subsidised Courses

5.9.14.1 Consumer Protection Policy

The College is committed to ensuring consumer protection as a requirement for NSW Government Smart and Skilled subsidised courses. The College's Policy for Smart and Skilled Consumer Protection is embraced within the Student and Client Complaint and Appeal (Consumer Protection) Policy.

On notification of any complaint by a student enrolled under Smart and Skilled, the complaint handling processes specified within this Policy may be actioned. Complaints will also be monitored for continuous improvement purposes

5.9.14.2 Consumer Protection Officer

If a student enrolled in Smart and Skilled training wishes to make a complaint or appeal, or is seeking further consumer protection information, they may contact the College's designated Consumer Protection Officer:

The General Manager
TLK Community College
Telephone: (02) 43530017
Email: info@tlkcc.com.au

5.9.15 External Appeals

Where no mutually acceptable resolution is reached, a student or client can seek advice and further help from the following organisations:

- **Anti-Discrimination Board**
Telephone: (02) 9268 5544
Level 17, 201 Elizabeth Street, Sydney NSW 2000
- **Office of Fair Trading**
Telephone: 13 32 20
Level 21, 227 Elizabeth Street, Sydney NSW 2000
- **Australian Skills Quality Authority (ASQA)**
Telephone: 1300 701 801
GPO BOX 9928, Melbourne VIC 3001

5.9.15.1 External Appeals for NSW Government Subsidised Courses (Including Smart and Skilled)

Students enrolled in a NSW Government subsidised course, including any Smart and Skilled subsidised course, who are not satisfied with how the College has attended to their complaint or appeal may refer their matter to NSW State Training Services. To make a complaint to NSW State Training Services students should contact:

- **NSW State Training Services Customer Support Centre (SGSCC)**
Telephone: 1300 772 104
Level 1, 117 Bull Street, Newcastle West NSW 2302 (closest regional office to Central Coast).

Students and clients are advised that external organisations may generally require those raising complaints or appeals to have exhausted all avenues for resolution through the College before taking this option.

5.9.16 Policy Forms

Complaints and Appeals Form

5.9.17 Related College Policies

Anti-Bullying Statement (TLK Youth College)
Harassment, Bullying and Discrimination Policy
Staff Code of Conduct

Student Rights, Responsibilities and Code of Behaviour Policy (TLK Community College)
 Students Rights, Responsibilities and Code of Behaviour Statement (TLK Youth College)
 Staff Complaint Resolution and Appeal Policy
 Whistleblower Policy

5.9.18 Review

This Policy will be subject to periodic review and may be amended or updated when required.

5.9.15 Version History

Version	Approved By	Approval Date	Date of Effect	Sections Modified
15 th October 2013	Board of Management	17 th October, 2013	17 th October, 2013	Policy released.
11 th December 2014	CEO	11 th December, 2014	11 th December, 2014	Minor amendments to include Smart and Skilled requirements.
1 st April, 2015	Board of Governance	16 th April, 2015	16 th April, 2015	Major amendments and third party arrangements included.
15 th December, 2016	Board of Governance	15 th December, 2016	15 th December, 2016	Minor amendments to wording.
10 th October, 2019	Board of Governance	10 th October, 2019	10 th October, 2019	Reviewed – nil amendments.
10 th December, 2020	Board of Directors	10 th December, 2020	10 th December, 2020	Minor amendments to wording.