

# Complaints Resolution Policy

## Intent

- Skills Update is committed to resolving concerns and complaints quickly, fairly, and constructively.
- Skills Update intends to maintain a student-centred approach in investigating and addressing concerns/complaints and will not differentiate on the grounds of recognised criteria of discrimination.
- Skills Update will take all practicable steps to implement changes in procedure and/or behaviour that are identified as part of resolving complaints, as part of its continuous process to improve services provided.

## Applicability

- This Complaints Policy is an organisation wide policy and applicable to grievances about any aspect of the teaching and learning process and the broad behaviour and practices implemented by Skills Update to support that process, subject to the proviso below.
- This Policy does not apply where the complaint can be dealt with under Harassment or Academic Misconduct or where the complaint challenges the academic judgement of examiners. For students wishing to appeal the final grade awarded in any course, refer to Student Academic Appeals Policy.
- Depending on the nature of the complaint, these procedures should be read in conjunction with the Staff Code of Conduct, Student Responsibilities, and The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.

## Interpretation

### Definitions

Complaint / Concern (Informal, Formal)	<ul style="list-style-type: none"><li>• A matter causing distress or unease that impacts on the complainant to the point that it is brought to the attention of Skills Update staff who elect to investigate/discuss and informally resolve the circumstances surrounding the matter.</li><li>• A written statement submitted by a person about a matter that requires formal consideration and action by Skills Update under the terms set out under this Policy.</li></ul>
Investigator	The person appointed to investigate the concern or complaint and make findings of fact.
Natural Justice (the principles of)	The right to have a decision made by an unbiased decision-maker who observes fair and impartial procedures i.e., the right to a fair hearing by a person who is unbiased.

Student	A person currently enrolled to undertake a course or programme of study through Skills Update.
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## Criteria

Skills Update operational policies and procedures are to be read in conjunction with each other.

## Policy

### Principles

- Skills Update will treat complaints seriously and attempt to resolve them in a timely manner, without prejudice to the complainant.
- Skills Update will monitor and review complaints and subsequent resolutions to enable continuous improvement in the support services provided to support student learning.
- Skills Update do not intend this policy to be applied to complaints that challenge the academic judgement of examiners. For students wishing to challenge an assessment decision where they have reason to believe that the grade or mark for a particular assessment is incorrect, should first discuss this with the staff member responsible within three (3) working days of the return of the assessment.
- Where minor concerns arise, students and staff are encouraged to take a common-sense approach and raise them directly with the relevant staff, tutor, Campus Manager, Academic Leader or Operations Manager with the aim of resolving them at the lowest possible level and without undue formality. However, where informal discussions do not yield a satisfactory resolution, or where the matter is more serious, more formal processes are to be pursued.
- Skills Update reserves the right to take no action on complaints that:
  - Are anonymous, frivolous, vexatious, or not made in good faith;
  - Complaints made more than 90 days after an alleged incident, unless there are good reasons for doing so;
  - Complaints where the complainant is not willing to cooperate; and/or
- A complainant must be able to demonstrate the complaint is brought without malice and is based on evidence that the complainant honestly and reasonably believes to be substantially true.
- Skills Update subscribes to the principles of natural justice and strives to ensure transparency and fairness are incorporated throughout the complaint investigation and resolution process. Parties to a complaint have the right to:
  - Be treated with courtesy, consideration, and confidentiality;
  - A fair and timely investigation in accordance with the principles of natural justice;
  - Express their viewpoint without fear of recrimination or ridicule;
  - Be advised in writing of all decisions made in relation to the complaint;
  - Appeal the outcome;
  - Ensure the complaint is made in good faith and requirements of the Complaints Policy and other relevant policies and procedures; and
  - Provide and collect full and accurate information of the circumstances giving rise to the complaint.

- Parties to a complaint must not take any action that may prejudice the situation or be regarded as an act of recrimination against any other party.
- Staff have the right to avail themselves of the procedure for Resolving Employment Relationship Problems and refer to employment and personal grievance legislation.
- Skills Update welcomes the opportunity to discuss concerns and issues and all complainants are encouraged to seek a resolution by raising and discussing circumstances surrounding the concern or complaint informally with the relevant person who is most directly associated with the matter, if this is appropriate and they feel safe to do so.
- Skills Update will ensure that those responsible for resolving complaints take all reasonable steps to ensure that the complainant is protected against any subsequent recrimination or victimisation (see the Protected Disclosure Policy and Procedure).

### Informal resolution of complaints

Skills Update encourages the resolution of complaints and concerns by entering into informal discussions with the person who is directly associated with the matter. If this is appropriate, parties are encouraged to make every effort to seek an appropriate solution.

### Formal resolution of complaints

Where informal discussions have failed to yield a satisfactory result or are not appropriate given the nature of the complaint, Skills Update will follow a formal process for resolving a complaint, which will involve appointing an investigator to ascertain what happened, and make findings of fact.

An investigation will follow the principles of natural justice, and complainants and other relevant parties will be advised of the process that will be followed and kept up to date with next steps.

### Resolution of complaints

- Skills Update will take reasonable steps ensure that all investigations, enquiries, and decisions in relation to the complaint are undertaken in a timely and appropriately transparent manner, and resolutions and subsequent notification of decisions will be delivered to the complainant and related parties in writing as soon as practicable.
- Skills Update will take preventative action where possible to ensure that actions are taken, and improvements (including ongoing monitoring) made as necessary to prevent concerns/complaints of the same type reoccurring.

### Confidentiality

- Skills Update will ensure that all interactions, meetings, discussions, processes, and decisions in relation to the complaint are confidential to the parties directly involved and the Protected Disclosures Policy and Procedure will be adhered to.
- As part of the investigation process the investigator may disclose appropriate information for the purpose of gathering additional information, verifying details/facts, and ensuring Skills Update's normal business activities continue.
- Skills Update subscribe to the understanding that the parties are protected by confidentiality and details are handled on a "need to know" basis in all cases.

- At all times, the health, safety, and wellbeing of the parties is to be protected and appropriate outside assistance (i.e., Police, external counselling) may be sought to achieve this outcome.

## Related Key Documents

### Legislation

Employment Relations Act 2000

Protected Disclosures Act 2000

Human Rights Act 1993

Privacy Act 2020

Health and Safety at Work Act 2015

Holidays Act 2003

Wages Protection Act 1983

Minimum Wage Act 1983

Parental Leave and Employment Protection Act 1987

Equal Pay Act 1972

### Other policies that may impact on this policy

Academic Misconduct and Academic Integrity Policy

Protected Disclosures Policy

Harassment Policy

Equal Employment Opportunities Policy

Performance Appraisal Policy

### Guidelines

### Standards and Procedures

Protected Disclosures Procedure

Academic Misconduct and Academic Integrity Procedure

### Forms

### Other Useful Resources

Student Handbook

## Accountability, Management and Control

### Owner

HR Manager

Operations Manager in lieu of HR Manager

### Content Manager

HR Manager

Operations Manager in lieu of HR Manager

### Prepared by

Operations Manager

### Approval

28 October 2023

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28 October 2024