## Non Academic Complaints and Grievances Policy and Procedure

### Policy

Blue Mountains International Hotel Management School Pty Limited (BMIHMS PL) (incorporating Blue Mountains International Hotel Management School (BMIHMS), E-Hotelier and Hotel Kurrajong to be known as ‘the Company’), is committed to the continuous improvement of its services for prospective students, enrolled students and staff, and aims to provide adequate and easily activated dispute resolution procedures to deal with complaints/grievances.

The Company will treat complaints/grievances seriously ensuring that all processes are clear, confidential and fair to all parties. A strong focus for this policy is efficient and positive resolutions for complaints/grievances and a restoration of positive and cooperative working relationships.

### Coverage

This policy and procedure applies to prospective students, enrolled students and all employees employed in by BMIHMS PL.

### Purpose and Scope

The purpose of this procedure is to ensure:

- that the Company will treat complaints/grievances seriously and will ensure that all processes are confidential.
- that the principles of natural justice will be followed to achieve an acceptable resolution;
- that the Company is committed to dealing with complaints/grievances at the local level. Most difficulties can be resolved at an early stage by talking with the individual/s most concerned with the issue. Complaints/grievances which are resolved quickly and locally have the greatest chance of removing any barriers to good working/teaching/learning relationships;
- that all prospective students, enrolled students and employees can use these procedures to submit a complaint/grievance;
- that no complainant or respondent will be victimised or discriminated against in any of the stages set out in this policy

### Responsibilities

**CEO:** overall responsibility for this policy  
**CEO’s Executive Assistant:** maintains the Company’s Complaints Register  
**Executive Group /HR Manager:** responsible for the training of all staff in the application of this policy and will deal with the complaint/grievance.  
**Prospective Students, Enrolled Students and Staff members:** are to follow the procedures outlined if a grievance or complaint is issued.

### Glossary

**Complainant/Grievant:** the person making a complaint/grievance;  
**Complaint/Grievance:** a clear statement expressing dissatisfaction with an act, decision or omission which the grievant considers to be unjust, wrongful or discriminatory and which is within the control of the school;  
**Discrimination:** a discriminatory action is one which results in less favourable treatment of, or adverse action against, an individual or a group in comparison with another individual or group in the same or similar circumstances;  
**Duty of Care:** if a complaint/grievance is of a serious nature eg: unlawful behaviour, the Company will take formal action to protect individuals in their care;
**Harassment**: any action that is uninvited or unwelcome and interfered with an individual’s right to work in a non-threatening environment;

**Prospective Student**: any person seeking to enrol in the school

**Respondent**: the person against whom a complaint is brought;

**Staff**: any person currently employed by the Company. Complaint/grievance from former staff must be made within 10 days of their leaving the Company;

**Student**: any person currently enrolled by the School. Complaint/grievance from former students must be made within 10 days of their leaving the School;

**Natural Justice**: Right to a fair hearing (prior notice of hearing, opportunity to be heard, conduct of the hearing, right to independent external advisor, the decision and reasons for it)

### Procedure

The complainant and respondent will not be victimised or discriminated against in any of the stages set out in this policy.

When making a complaint/grievance, respondents, students, staff or those seeking to enrol in a course of study with the School have the right to:

- Be present or make a written presentation to any committee convened to hear the complaint/grievance;
- Be accompanied, assisted and/or represented by a third party (such as a family member, friend, counsellor or other professional support person) at any or each stage of the process, if so desired;
- Receive and respond to any documentation, as appropriate, that is submitted in connection with a complaint;
- Have a complaint/grievance treated confidentially with details only disclosed with the staff’s permission, unless the Company has reasonable grounds for believing the use of the information will be a threat to the life or health of any person, or the use is authorised by law.
- At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.
- Records of all complaints/grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of five (5) years.
- Records of complaints/grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Executive Assistant for a period of five (5) years. Parties to the complaints/grievances will be allowed supervised access to these records.

### Possible Outcomes from Making A Complaint/Grievance

A complaint/grievance is heard on all matters relating to the Company, so there will be many different resolutions, each offered on the merits of the case. Possible resolutions include the following:

- A written undertaken or apology;
- Written agreements in regard to future behaviours or actions;
- Remedial action, for example, the correction of records or improved practices;
- The issuing of new internal procedures or guidelines;
- Conciliation/mediation between the two parties under the guidance of a mutually accepted impartial third party (internal or external);
- Independent external mediation.
Submission and Evidence of a Complaint/Grievance

The person who is the subject of concern must know all the allegations in relation to their behaviour; they must have a full opportunity to put their case; all parties to the complaint/grievance have the right to be heard. All relevant submissions and evidence must be considered; matters which are not relevant must not be taken into account; the person who lays the charge must not determine the charge; the decision maker must be disinterested and unbiased. A decision must be based upon evidence.

Process Guidelines

- The Company recognises the right of students, staff or people seeking to enrol in any accredited course of the provider to make complaints/grievances as part of its continual improvement process;
- Following is an outline of the options available when a problem or issue arises and the different stages for proceeding with a complaint.
- The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other the Company’s policies or under statute or any other law.

Internal Informal Resolution

Students, staff or people seeking to enrol in any accredited course of the provider have four/five stages at which a complaint may be addressed.

Stage 1

In the first instance, complaints should be discussed with the person/s involved. However, if this is impracticable, complainants should communicate with one of the staff listed below. This arrangement is free of charge and every effort will be made to make a decision within fourteen (14) days.

Prospective Students
- Marketing and Sales Director
- Assistant Director Student Services

Students
- Campus Manager
- Assistant Head of School

Staff
- Direct Supervisor/ Head of Department

Staff/students/prospective students then have three (3) options for proceeding:
- Take no further action;
- Make comments or suggestions;
- Make a complaint. ([Grievance Form](#))

Stage 2

If unsatisfied with the response to the complaint/grievance or the time taken to resolve the matter, the complainant may submit the complaint/grievance in writing to one of the staff listed below. The written complaint/grievance must be dealt with within a reasonable time, normally within fourteen (14) days of receipt of the complaint/grievance.

Prospective Students
- Marketing and Sales Director
- Assistant Director Student Services
Students
- Director of Operations
- Head of School/Director of Academic Affairs
- Assistant Head of School

Staff
- Executive Group
- HR Manager

Staff handling the complaint/grievance will ensure that they:
- Listen and understand the nature of the complaint/grievance;
- Explore all the options and possible implications for resolving the issue with the complainant;
- Avoid any behaviour which might reasonably be interpreted as interrogative or judgemental.

Staff will endeavour to find a resolution. The issue may be resolved at the local level with the least amount of disruption for all parties. The majority of complaints/grievances are resolved successfully at this stage.

Stage 3
If unsatisfied with the response to the written complaint/grievance or the time taken to resolve the matter, the complainant may request a review by a panel of 3 staff made up of one member from the Executive Group, the Human Resources Manager, a Campus Department Head and the Campus Services Coordinator. The complainant must receive a response within thirty (30) days.
- The complainant lodges a formal written complaint with a member of the Executive Group using the Grievance Form. The complainant may outline the incident/issue in writing or initial that the notes taken were accurate. The complainant’s desired outcome should be noted. The formal complaint/grievance is to be lodged in Complaints and Grievance Register located in the office of the Executive Assistant;
- If the above attempts fail the complainant may wish to go directly to the Formal Process.
- The panel may choose to either review the written evidence and/or interview the parties concerned to clarify all matters prior to making a resolution.

Stage 4 – International Students
If not satisfied with the decision in Stage 3, the complainant or School may request that the matter be dealt with through an external dispute resolution process. If you wish to lodge an external appeal, you can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by the School. The Overseas Students Ombudsman will investigate complaints at no cost to the provider or the student.

Stage 4 – Domestic Students/Staff
- If not satisfied with the decision in Stage 3, the complainant or Company may request that the matter be dealt with through an external dispute resolution process via COPHE (Council for Private Higher Education) for this purpose. COPHE will appoint an external reviewer with an appropriate background who is acceptable to both parties.

The process is as follows:
- An application will be made by the Company in writing to the Executive Officer of COPHE, detailing the complaint, the process applied as at that point in time, the decision to be reviewed and grounds for an external review of the decision.
- The complainant will not, at any stage in the process, in any way be discriminated against or...
victimised, and in any meeting may be accompanied and assisted by a third party if that is their wish. The complainant will be advised of the cost, if any, for utilising the external grievance appeals process.

- The cost of fees incurred from the external bodies will be borne at 50% each by both the complainant and the Company.
- The COPHE appointed reviewer must make a determination and advise the relevant senior officer of the Company, the complainant and COPHE within 30 days, providing in writing the reasons and rationale for any decisions and/or actions to be taken.

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<thead>
<tr>
<th>International Students</th>
<th>Domestic Students/Staff</th>
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<tbody>
<tr>
<td>Overseas Students Ombudsman (OSO)</td>
<td>Council of Private Higher Education (COPHE)</td>
</tr>
<tr>
<td>GPO Box 442</td>
<td>Suite 244, Level 4, 813 Pacific Highway</td>
</tr>
<tr>
<td>CANBERRA ACT 2601</td>
<td>CHATSWOOD NSW 2067</td>
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<tr>
<td>AUSTRALIA</td>
<td>AUSTRALIA</td>
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<tr>
<td>1300 362 072</td>
<td>02 8021 0841</td>
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<tr>
<td><a href="http://www.oso.gov.au">www.oso.gov.au</a></td>
<td><a href="mailto:admin@cophe.edu.au">admin@cophe.edu.au</a></td>
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**Stage 5 (Staff Only)**

If a dispute about a matter arising under a Modern Award or a dispute in relation to the National Employment Standards is unable to be resolved at the workplace, and all appropriate steps have been taken, a party to the dispute may refer the dispute to Fair Work Australia. The parties may agree on the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.

**Stages 1 – 5:** If either the internal or external complaint/grievance process results in a decision that supports the complainant, the Company will immediately implement any decision and/or corrective and preventative action required and advise the student/staff of the outcome.

All Stages of the process will commence within ten (10) working days of the formal lodgement of the complaint/grievance and supporting material and all reasonable measures are taken to finalise the process as soon as practicable.

**Associated Forms**

- Grievance Form
- Complaints Register

**Related Information**

At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given.

Records of all complaints/grievances, applications for review of decisions and outcomes of the complaints/grievances process will be kept for a period of five (5) years. These records will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Executive Assistant for a period of five (5) years. Parties to the complaints/grievances will be allowed supervised access to these records.

**Review**

Any suggestions for changing this Policy/procedure are welcome. Please complete the Improvement Request Form.

**Comments**

**September 2010:** Amend ‘External Contact Details’ from ACPET to COPHE; update reporting lines in Stages 1 & 2 for Students & Staff; include Stage 5 for Staff Only as per the Modern Award.
April 2011: Updated information for Overseas Students.
November 2012: Updated in line with the Academic Complaints and Grievance Policy & Procedure; updated lines of communication; update ‘natural justice’; removed all reference to AIHS