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**STUDENT POLICY – FEEDBACK AND COMPLAINTS**

# SECTION 1 - DEFINITIONS

For the purpose of this Policy:

Complainant: The student(s) or member(s) of the public notifying a complaint.

Complaint: A complaint is an expression of dissatisfaction about the organisation; services offered by the organisation or its staff; or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complaints Assistance Officer: The Complaints Assistance Officer, or CAO, is the nominated Balance Foundation Ltd. Director responsible for the administration of complaints under this Policy. All formal complaints made under this Policy must be lodged with the CAO who will determine who the complaint is to be referred to under the formal procedure. The CAO does not decide complaints. The CAO will be responsible for recording and tracking formal complaints under this Policy on a confidential and securely stored Organisation file. The CAO is also a source of advice available for all parties involved in an investigation of a complaint and can be contacted at any stage during the complaints process for advice or assistance.

Nominated Complaints Officer: A Nominated Complaints Officer, or NCO, is a Balance Foundation Ltd. instructor appointed by the delegated Organisation Officer to investigate a formal complaint made under this policy. The NCO does not have the delegated authority to decide to investigate a particular complaint or to make a final determination in regard to a particular complaint such as whether the complaint is dismissed or upheld. Instead, the NCO must refer those aspects of the complaint to the relevant delegated Organisation Officer for the determination.

Respondent: Balance Foundation Ltd. or its nominated representative.

Student: a student is any person who is currently enrolled as a student of Balance Foundation Ltd., or who was enrolled as a student of Balance Foundation Ltd. within the 12-month period prior to the date the complaint was made.

Organisation Officer: The Organisation Officer is the Director or instructor responsible for having the ultimate decision-making power in the complaints handling process including the final determination in relation to a particular complaint. The normal practice will be for a Director of Balance Foundation Ltd. to be deemed the delegated organisation Officer for a particular complaint.

# SECTION 2 - POLICY STATEMENT

## Part A - Policy Declaration

(2) It is critical to the interests of Balance Foundation Ltd. that the substance of any complaint is dealt with in a timely and appropriate manner in accordance with this Policy.

(3) Students and members of the public may lodge a complaint at no cost. Any representations by an appellant will also not incur any costs.

## Part B - Policy Description

### Objectives

(4) The purpose of this Policy is to detail a process to be followed that promotes the timely and fair resolution of concerns or complaints raised by students or members of the public about Balance Foundation Ltd. or any services offered by the Organisation or its instructors.

### Scope

(5) This Policy applies to all students of Balance Foundation Ltd. and members of the public who have a concern or complaint about the Organisation, or any services offered by the Organisation or its instructors that is not addressed in another rule, policy, or procedure of the Organisation.

(6) This Policy does not deal with complaints relating to harassment, bullying or discrimination by a member of the Organisation. These are to be managed in accordance with the Complaint Policy – Harassment, Bullying or Discrimination.

## Part C - Content and Implementation

(8) Balance Foundation Ltd. recognises the important role of feedback from students and members of the public to promote a healthy, safe, and productive environment which engages with the local community. Complaints are an important part of that feedback and help the Organisation to identify and implement preventative strategies to minimise recurrent or systemic problems.

(9) To that end, the Organisation will make relevant inquiries and try to resolve all complaints in a fair, impartial, and timely fashion. The Organisation takes all complaints seriously and will ensure that complainants do not suffer any disadvantage or recrimination because they make a complaint.

(10) Anyone who makes a complaint is expected to observe the processes in place for their complaint (including those about confidentiality) and to behave in a courteous and reasonable manner towards Organisation staff who investigate or decide those complaints.

# SECTION 3 - PROCEDURES

## Part D - Informal Complaints

(11) An informal complaint can be made to any member of Balance Foundation Ltd. Board or instructional team either verbally or in writing. It is not dealt with through the formal process. Informal complaints involve discussion between relevant parties towards an outcome focused resolution.

(12) Any student or member of the public may make an informal complaint at any time within 12 months from the date of the event leading to the complaint. Many problems can be resolved informally, and complainants are encouraged to try to resolve the issue directly with the person concerned.

(13) The Organisation expects any Board Director, Board member, or instructor contacted about a complaint to provide the complainant with information about how to pursue the complaint, including referral to an appropriate contact or information on the Organisation's web page about pursuing their complaint.

(14) Any person who receives a complaint is encouraged to resolve complaints as quickly and informally as possible, normally within 20 working days of the complaint being raised. Where the complaint cannot be resolved in this timeframe, the CAO must be informed, and the complaint may be referred to the formal process.

# Part E - Formal Complaints

(15) A formal complaint is a written complaint lodged with the CAO, which is dealt with through a formal process of the Organisation as described at Part I.

(16) Any student or member of the public can make a formal complaint at any time including if they are dissatisfied with the outcome of any informal complaint already made, provided the complaint is lodged within 12 months from the date of the event leading to the complaint or within a reasonable timeframe after receiving notification of the outcome of an informal complaint.

(17)A formal complaint must be lodged in writing (letter or email) with the CAO. The written complaint must contain sufficient information necessary for the complaint to be assessed. All available information including a brief description of what the complaint is about, how it arose, who is involved, what (if any) steps have been taken to resolve the complaint and what outcome the complainant is seeking, should be lodged at the outset, along with any supporting documentation. In cases where no formal complaint has been received, the delegated Organisation Officer may decide that an investigation is warranted, in which case the CAO will initiate the formal complaints process.

(18) Complaints may be referred by the Organisation Officer to be dealt with under alternative Organisation rules, policies, or procedures, or by an external party appointed by the Organisation to investigate. The decision to investigate will be at the discretion of the delegated Organisation Officer. Where appropriate, mediation or conciliation may be offered as a means of resolving the dispute.

# Part F - Anonymous Complaints

(19) Balance Foundation Ltd. does not generally respond to anonymous complaints unless they involve allegations of a serious nature, such as corruption or criminal behaviour. Where appropriate, the delegated Organisation Officer may decide that an investigation is warranted.

# Part G - Frivolous or Vexatious Complaints

(20) Frivolous or vexatious complaints or complaints without substance will not proceed beyond preliminary investigation. Students making vexatious complaints may be subject to disciplinary action.

# Part H - Withdrawal of a Complaint

(21) Any student or member of the public may withdraw their complaint at any stage of the informal or formal process. If the formal process is underway, any withdrawal must be in writing. In most instances, the Organisation will then deem the complaint resolved. However, in certain circumstances the Organisation may deem the complaint serious enough for an internal investigation to continue or for referral to an external agency.

# Part I - Determination Process

(22) On receipt of the formal complaint the CAO will:

* 1. record the complaint on a confidential and securely stored Organisation file or central database.
  2. send an acknowledgement of receipt of the complaint to the complainant within 5 working days: and
  3. determine which Organisation Officer the complaint is to be referred to under the formal procedure.

(23) Where the delegated Organisation Officer determines that the complaint will not be investigated, he/she will notify the complainant of this decision and provide reasons in writing to the complainant, normally within 10 working days of receipt of the complaint. The delegated Organisation Officer must also notify the CAO of this decision for recordkeeping purposes.

(24) Where the delegated Organisation Officer determines to refer the complaint to be dealt with under another rule, policy, or procedure of the Organisation, he/she will notify the CAO who will advise the complainant in writing, normally within 10 working days of receipt of the complaint.

(25) Where it is determined that the complaint will be investigated under this Policy, the delegated Organisation Officer will refer the complaint to a Nominated Complaints Officer (NCO) to investigate the complaint. The NCO will normally be a Director of instructor who is at an appropriate senior level. Where an NCO has been designated, the CAO will advise the complainant in writing, normally within 10 working days of receipt of the complaint.

(26) Where appropriate, complaints may also be referred to an external party for investigation at the discretion of the delegated Organisation Officer.

# Part J - Role of the Nominated Complaints Officer

(27) On receipt of the formal complaint from the CAO the NCO will:

* 1. initiate the investigation, normally within 5 working days.
  2. provide both the complainant and respondent with the opportunity to present their cases in writing. This process will include ensuring all parties are in receipt of these Procedures and providing the respondent with written details of the complaint. Where practicable, the NCO must seek the complainant's permission prior to releasing details of the complaint to the respondent.
  3. examine relevant documentation, interview relevant parties where necessary and seek clarification on information supplied from the relevant parties where required; and
  4. conclude the investigation, normally within 20 working days of the receipt of the complaint. Where this is not possible, the NCO must keep both the complainant and the CAO informed of the reason and expected finalisation date.

(28) Both the complainant and the respondent are entitled to invite a support person (which may be a student advocate) but not a legal representative to attend any interviews or meetings conducted during the formal process. The support person can be a fellow student, staff member, friend, family member or a representative of a Student Association and may contribute to any discussion were invited to do so by the NCO.

(29) At any stage of the investigation the NCO can seek advice from appropriate areas of the Organisation and from external organisations such as those listed under Part R and Part S. It is the responsibility of the NCO to inform the complainant of the progress of the complaint where appropriate. At a minimum, this should include advice to the complainant when a preliminary investigation has been completed and also when the investigation report has been finalised for consideration by the delegated Organisation Officer.

(30) At the conclusion of the investigation, where required, the NCO will provide the delegated Organisation Officer with one of the following written recommendations:

* 1. that the complaint has been substantiated and recommendations on any action required.
  2. that the complaint has not been substantiated. In most cases no further action will be required, however the NCO may recommend, for example, that parties be reminded of the Organisation's expectations of behaviour.
  3. make recommendations about the development of and /or refinement of Organisation systems and practices, whether or not the complaint has been substantiated.

(31) The delegated Organisation Officer may choose, at his or her discretion, not to accept the findings of the NCO and may take another course of action. This may include dismissing or upholding the complaint. The CAO must be advised of the decision for recordkeeping purposes.

(32) The NCO or delegated Organisation Officer where appropriate, will advise both the complainant and the respondent of the outcome of the investigation in writing, including the reasons for the decision, and will inform the complainant of appeal mechanisms where applicable.

# Part K - Review of Decision

## Members of the Public

(33) If a member of the public believes that a formal complaint has not been resolved within a reasonable time frame or is dissatisfied with the outcome of a formal complaint, then he or she may make a written request to the Board President for review.

# Part L - Record Keeping

(40) The CAO will be responsible for recording and tracking formal complaints under this Policy on a confidential and securely stored Organisation file or central database.

# Part M - Conflict of Interest

(41) A participant may disqualify themselves from participating in these complaint procedures should they consider that their involvement would create a conflict of interest. The convenor of any meeting is required to ensure that any participant in the processes specified by this Policy has the opportunity to declare whether or not they have a conflict of interest. Any participant who perceives a possible conflict of interest should report the matter to the CAO who shall refer the matter to the delegated Organisation Officer for a determination on what action is appropriate and may disqualify a person from participating.

# Part P - Confidentiality

(46) There should be limited disclosure of information relating to a complaint to as few people as possible, and only to those who are legitimately involved in the process of resolving the complaint.

(47) All parties involved in an investigation of a complaint including the complainant, respondent and investigators are to maintain confidentiality. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the complaint will be regarded seriously and should be referred to the CAO for appropriate action.