

**Kaplan Professional
Complaints and Appeals
Policy and Procedure**

Kaplan Education Pty Ltd



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Complaints and Appeals Policy and Procedure

Scope

This policy is applicable to Kaplan Education Pty Ltd trading as Kaplan Professional (referred to as 'Kaplan Professional'). The policy applies to all Kaplan Professional students, and staff involved in the provision of education and training products and services for students and clients. The policy is also applicable to any third party providing services on behalf of Kaplan Professional.

Purpose

This purpose of this document is to provide Kaplan Professional students with a fair and equitable policy and procedure to follow if they have a complaint regarding any aspect of the organisation, its staff or other students, or if they wish to appeal an assessment decision, or any other decision, made by Kaplan Professional.

The document also provides guidance for Kaplan Professional staff, and third parties acting on behalf of Kaplan Professional, when dealing with student complains and appeals.

Related legislation and guidelines

Ensure that Kaplan Professional complies with applicable Standards for Registered Training Organisations (RTOs) 2015 – Clauses 5.2, 6.1-6.5.

Definitions

Complaint: A complaint is a concern about any training or assessment matter, perceived discrimination or bias, a particular situation or process, the behaviour of a person or people, a facility, resource or support service, or any other matter of concern to a student. A complaint may be made informally or formally.

Appeal: An appeal relates to any decision made by Kaplan Professional, its staff or representatives with which a student disagrees. It may be an assessment decision, or a decision that has resulted from a complaint. All appeals must be made in writing and will be dealt with formally.

Types of complaints

There are essentially two types of complaints — academic and non-academic.

Academic complaints include, but are not limited to:

- Assessment
- Student Academic Progress
- Course Content
- Quality of Course Delivery.

Non-academic complaints include, but are not limited to:

- Enrolment
- Payment of fees/student charges
- Kaplan Professional Policies and Procedures
- Academic or administration staff members
- Racial/sexual harassment and/or discrimination
- Access to resources.

Complaint and appeals management principles

The following principles guide Kaplan Professional in the management and resolution of complaints and appeals.

- Complaints and appeals will be dealt with speedily in accordance with the timeframes in this document.
- All complaints and appeals will be dealt with at no charge to the complainant.
- The complainant will not be victimised or discriminated against in any manner, and all details of the matter will remain strictly confidential.
- Students will continue their studies as usual during the complaint or appeal resolution process, except in circumstances where their health or safety is at risk, or if they pose a health or safety risk to others.
- All complaints and appeals will be treated seriously and investigated thoroughly.
- The complainant is entitled to ask for assistance from another support person, including a translator or interpreter, at any time during the process. They may bring a support person (such as a friend, family member, counsellor or other third party) to assist them during any meetings that may held in the process of resolving the complaint or appeal.
- Details of the complaints or appeal, its investigation and outcome will be documented and stored appropriately, ensuring security. The records can be requested at any stage of the process by the complainant.
- Resolution of the complaint or appeal can occur at any stage. Once resolved all further investigation will stop unless, in order to improve services or avoid similar situations occurring again, it is decided that further investigation should occur.
- The principles of natural justice and procedural fairness will apply at every stage of the complaints and appeals process.
- If a complainant disagrees with Kaplan Professional's decision regarding their complaint, the complainant may access Kaplan Professional's Appeals Process.
- If a complainant is dissatisfied with the outcome of the appeals process, Kaplan Professional and the complainant may appoint an independent arbiter to review the appeal process and recommend a solution. Kaplan professional will pay the cost of this process.
- The procedures set out in this document do not replace or modify the complainant's rights under Australian consumer protection laws, or their rights to pursue other legal remedies.

Complaints procedure

Kaplan Professional has a four-step process to assist in the resolution of a student complaint.

- **Step 1: Informal resolution**
- **Step 2: Formal complaint**
- **Step 3: Investigating the complaint**
- **Step 4: Resolving the complaint.**

Step 1: Informal resolution

Contact Kaplan Professional Student Services

If possible, the complainant should raise their complaint or concern with any Kaplan Professional staff that may be present. The issue may be able to be resolved immediately by doing this.

If this is not possible or is unsuccessful, the complainant must contact a Student Services Representative by calling 1300 662 203 or send an email to mail@kaplan.edu.au as soon as possible.

The Student Services Representative may be able to resolve the complaint at that point. If not, the Student Services Representative will direct the complaint to the Manager, Student Services, Manager, Student Resolutions, Head of Student Experience, Head of Operations or Head of Learning, or delegated authority for resolution.

If a student raises a complaint about an assessment decision, or if they feel the assessment decision was incorrect, based on valid grounds, they must contact a Student Resolutions Officer as soon as possible.

Valid grounds for complaint against an assessment may include, but not be limited to:

- The judgment about whether competency was demonstrated was made incorrectly.
- The judgment was not made in accordance with the assessment criteria.
- Incorrect information was given to the student about the assessment process.
- Perceived bias of the assessor.
- Perceived lack of competence of the assessor.
- Inappropriate assessment process for the particular competency being assessed.
- Faulty or inappropriate assessment resources or conditions.

If a student believes that they have valid grounds for a complaint about an assessment decision, they should email the Student Resolutions team at studentadviser@kaplan.edu.au within 3 business days of notification of the assessment decision.

After the student's complaint has been received, the resolution may involve:

- The original assessment will be re-assessed by another qualified assessor.
- The assessment process used will be reviewed.
- A new assessment will be conducted.
- Any other action which is considered appropriate under the particular circumstances.

After the review, the complainant:

- will be deemed to have achieved competency in the relevant unit or units of competency, or
- will not be deemed to have achieved competency. The original decision will stand and, in order to achieve competency in the unit or units of competency, the student may be required to:
 - Undertake further training.
 - Re-sit the assessment.
 - Re-enrol in the subject.
 - Undertake any other action which is appropriate under the particular circumstances.

Note: Additional fees may apply for any or all of the above.

Complainants will be provided with a written response outlining the reasons for the decision and their options.

If the complaint has still not been resolved to the complainant's satisfaction after following Step 1, they should lodge a formal complaint (see Step 2).

Step 2: Formal complaint

To make a formal complaint, the complainant should complete the Formal Complaint Lodgement Form (Appendix A). In order for Kaplan Professional to reach a timely resolution the complainant should submit their written complaint within fourteen (14) business days of the incident occurring or the issue coming to light.

The completed Formal Complaint Lodgement Form must be posted or emailed, with any accompanying evidence, to:

Manger, Student Resolutions
Kaplan Professional Education
Level 4, 45 Clarence Street
Sydney NSW 2000

Email: mail@kaplan.edu.au

Subject heading: Formal Complaint Lodgement

Step 3: Investigating the complaint

Written confirmation acknowledging the complaint will be sent to the complainant within two (2) business days of receipt. The complaint will be recorded in Kaplan Professional's Formal Complaints Register by the Manager, Student Resolutions.

The complaint will be investigated by the Manger, Student Resolutions, relevant Business Unit Head, or their delegate, who may call on relevant staff, as required. The investigation of complaints may involve reviewing subject resources, assessments or evaluations, and may involve speaking to any staff or students concerned.

The Manager, Student Resolutions, Business Unit Head, or their delegate, may also arrange a formal meeting with the complainant. Complainants may bring one person (such as a friend, family member or counsellor) to support them in any interview. Students will not be discriminated against or victimised at any time during the complaint resolution process.

Step 4: Resolving the complaint

The Manager, Student Resolutions, relevant Business Unit Head or their delegate may take up to ten (10) business days to investigate the issue and come to a decision. Written notice of that decision will be sent to the complainant within two (2) working days of a decision being made. Kaplan Professional staff responsible for the implementation of the decision will be notified, as appropriate.

Appeals procedure

A student or other complainant may appeal a decision made by Kaplan Professional or any person or organisation representing Kaplan Professional.

An appeal may relate to a decision about a complaint or an assessment decision.

Stage 1: Submitting an appeal

Any complainant subject to a decision in relation to a complaint is entitled to appeal that determination to the Appeals Subcommittee if they feel they sufficient basis for the appeal. The student must lodge a written Notice of Appeal (Appendix B) within ten (10) working days of the decision being made. There is no cost for lodging an appeal.

Students will not be subject to discrimination or victimised during the complaint process.

Grounds of appeal

The appeal of a determination may be made on one or more of the following grounds, where the student felt that:

- a penalty imposed was excessive having regard to the facts of the matter.
- new evidence of a relevant nature is available that might alter the original decision.
- the decision was made without due consideration of all the facts, evidence or circumstances.
- there was bias, prejudice or a conflict of interest by the person or people investigating in making the decision.
- that some significant policy or procedural irregularity occurred in the investigative process.

Kaplan Professional will provide the complainant with formal written acknowledgment of the appeal.

Stage 2: Dealing with the appeal

The Appeals Subcommittee

The Head of Student Experience will appoint the Appeals Subcommittee. It will comprise at least three (3) members and must not include any member who has:

- a personal involvement or connection with the complainant, or with the matters to be heard, or
- been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest or would lead a reasonable person to conclude a bias, prejudice or conflict of interest existed in relation to the matter.

Duties and powers of the Appeals Subcommittee

The Head of Student Experience will determine whether to hear or dismiss the application. Where an appeal application is dismissed, students will receive written notification within five (5) days of the decision and information about further appeal avenues. If the appeal is to be heard, a meeting of the Appeals Subcommittee will be convened not more than ten (10) working days after receiving the Notice of Appeal. The Appeals Subcommittee has the power to review, uphold, dismiss or vary the original determination or refer the matter back to Kaplan Professional for further inquiry and determination.

Stage 3: Appeal hearing

The Appeals Subcommittee will determine and communicate the order of proceedings and consider all documentation submitted in connection with the appeal (including evidence tendered during the hearing) by the student or Kaplan Professional. Proceedings may include, but not be limited to, presentation of information and/or witnesses and cross examination of that information and/or witness by the complainant and the nominated Kaplan Professional representative. The complainant is entitled to be supported by another person, but must advise Kaplan Professional prior to the hearing. The Appeals Subcommittee may adjourn at any time during the appeal hearing to consider any matter it deems relevant.

Stage 4: Outcome of the appeal

The Appeals Subcommittee must decide within ten (10) working days after the conclusion of the hearing whether to uphold or deny the appeal and to communicate this in writing to the complainant and the relevant Kaplan Professional manager together with any recommended actions. The proceedings and decision of an appeal will be kept confidential, subject to the operation of law. The complainant may request access to records of the hearing and reasons for the decision.

External independent review

If the complainant wishes to appeal the decision of the Appeals Subcommittee, the complainant can lodge an external appeal. Students are encouraged to appeal externally after all internal appeal processes have been exhausted under this Policy. However, at any part in the complaints or appeals process the complainant can refer the matter to an external agency. (See Appendix C for further details).

Domestic students may request mediation through Resolution Institute <https://www.resolution.institute>. Mediation will be conducted in accordance with the Resolution Institute's Mediation Rules — a copy of which can be obtained from Kaplan on request. No further appeals will be accepted after mediation. The parties will agree to be bound by the external independent mediators recommendations and Kaplan will ensure that any recommendations arising from the decision will be implemented within 30 working days of the receipt of the decision by Resolution Institute.

Resolution timeframes

Kaplan Professional will take all reasonable steps to ensure that the timeframes provided in this policy are met.

If for any reason Kaplan Professional considers that more than 60 calendar days will be required to process and finalise any complain or appeal, Kaplan Professional will inform the complainant of this in writing and include the reason for the delay. Kaplan Professional will also provide the complainant with regular updates on the progress of the matter.

Complaints and appeals records

A record of formal complaints and appeals, the resolution processes used and decision reached will be retained by Kaplan Professional. If the complaint or appeal is related to an individual associated with Kaplan Professional, relevant information will also be retained.

As well as being a record of such events, this information will be used to improve Kaplan Professional products, services and processes where deficiencies are identified.

Any personal information retained will be treated in accordance with Kaplan Professional Privacy and Confidentiality Policy.

Related policies

This policy and procedure should be read in conjunction with the following related Kaplan policies:

- Kaplan Professional Access and Equity Policy
- Kaplan Professional Assessment Policy
- Kaplan Professional Privacy and Confidentiality Policy.

Related legislation

Laws and guidelines related to this policy are available from the websites listed below.

Commonwealth legislation

- [Disability Discrimination Act 1992](#)
- [Human Rights and Equal Opportunity Commission Act 1986](#)
- [Age Discrimination Act 2004](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Privacy Act 1998](#)
- [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)

Australian Capital Territories legislation

- [Discrimination Act 1991](#)
- [Disability Services Act 1991](#)
- [Work Health and Safety Act 2011](#)

NSW legislation

- [Anti-Discrimination Act 1977](#)
- [Disability Services Act 1993](#)
- [Work Health and Safety Act 2011](#)

Northern Territory legislation

- [Anti-Discrimination Act](#)
- [Disability Services Act](#)
- [Work Health and Safety \(National Uniform Legislation\) Act 2011](#)

Queensland legislation

- [Anti-Discrimination Act 1991](#)
- [Disability Service Act 2006](#)
- [Work Health and Safety Act 2011](#)

South Australian legislation

- [Equal Opportunity Act 1984](#)
- [Disability Services Act 1993](#)
- [Work Health and Safety Act 2012 \(SA\)](#)

Tasmanian legislation

- [Anti-Discrimination Act 1998](#)
- [Disability Services Act 1992](#)
- [Work health and Safety Act 2012](#)

Western Australia

- [Equal Opportunity Act 1984](#)
- [Disability Services Act 1993](#)
- [Occupational Safety and Health Act 1984](#)

New Zealand legislation

- [Human Rights Act 1993](#)
- [Education Act 1989](#)
- [Employment Relations Act 2000](#)

Version Control and accountable officers

The owners of this policy with responsibility for the implementation and relevant training of is the Head of Student Experience, Head of Operations and the Head of Learning — Kaplan Professional.

Policy owner

Policy Category	Quality Standards			
Document Owner	Head of Student Experience, Head of Operations, Head of Learning			
Review Date	Sep 2021			
Approved by	Head of Student Experience — Kaplan Professional Compliance Manager — Vocational and Professional Education		Authorised by CEO — Kaplan Professional	
Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Head of Operations	New procedures	31.3.2016	1.4.2016
2.0	Head of Student Experience	Updates to External Independent Review section Inclusion of Student Resolutions team as point of contact	30.1.2018	3.9.2019

Appendix A: Formal Complaint Lodgement Form



Formal Complaint Lodgement

This Formal complaint form is to be used by students if their complaint was unable to be resolved by a Student Services Representative (please refer to Step 1 of the Complaints procedure). Please complete the information below in detail, failure to provide sufficient information will result in no action taken.

Personal details			
Kaplan student number:		Title:	
First name:		Surname:	
Email address:			
Mobile number:		Work number:	
Course or Subject:			

Please advise previous step that you have taken to informally resolve this complaint:			
Date:	Discussed with:	Notes/Outcome:	
Date:	Discussed with:	Notes/Outcome:	

Details of complaint

Academic complaint:
(Please write the subject name in the space below and tick the type of Academic that applies)

The complaint was related to the following subject:

- Assessment
- Student Academic Progress
- Course Content
- Quality of Course Delivery
- Other, please specify below:

Non-academic complaint:
(Please write the subject name in the space below and tick the type of non-academic complaint that applies)

The complaint was related to the following subject:

- Enrolment
- Payment of fees/student charges
- Kaplan Policy and Procedure
- Academic or administration staff member(s)
- Racial/sexual harassment and/or discrimination
- Access to resources
- Other, please explain below:

Outline details of the complaint, including any specific issues that you would like addressed and the outcome that you are seeking. *(Please be as concise as possible)*

Attach any supporting documents that are relevant to your case. If there is insufficient space, attach a separate typed page.

Declaration			
I declare that the information I have provided is correct and I understand that if I make any false or misleading statements, I may be liable for prosecution.			
Student signature:		Date:	

Please post to:

Manager, Student Resolutions
 Kaplan Professional Education
 Level 4, 45 Clarence Street
 Sydney NSW 2000

Or email: mail@kaplan.edu.au

Subject heading: Formal complaint lodgement

Office Use Only			
Received by:		Date:	
Confirmed receipt to student:		Date:	

Appendix B: Notice of Appeal



Notice of Appeal

This form is to be completed by a student who is lodging an Appeal to the Appeals Subcommittee in reference to the outcome of an investigation into the resolution of a complaint.

This completed form and any supporting documentation must be submitted to Kaplan at the address below **within ten (10) working days of the student receiving notification of the outcome** of their complaint.

Personal Details			
Kaplan student number:		Title:	
First name:		Surname:	
Email address:			
Mobile number:		Work number:	
Course or Subject:			
Details of evidence supporting appeal (attach additional pages if required)			
Student signature:		Date:	

Please post to:

Head of Student Experience
Kaplan Professional Education
Level 4, 45 Clarence Street
Sydney NSW 2000

Or email: mail@kaplan.edu.au

Subject heading: Notice of Appeal

Office Use Only			
Received by:		Date:	
Confirmed receipt to student:		Date:	

Appendix C: External contacts

Provided below is a list of contacts that students may approach for external resolution of complaints and/or appeals. Before contacting these groups, students should ensure they have exhausted the internal avenues of escalation and appeal within Kaplan.

Government and State departments

Department of Education and Training (ACT)

Accreditation and Registration Council (ACT)

Department of Education and Communities (NSW)

Department of Education and Training (NT)

Department of Education and Training (QLD)

Tasmanian Qualifications Authority (TAS)

Department of Education (TAS)

Department of Education and Training (VIC)

Office of Training and Tertiary Education (VIC)

Training Accreditation Council (WA)

Department of Education (WA).

Complaints resolution groups

Department of Justice and Community Safety (ACT)

NSW fair trading (NSW)

Consumer Affairs (NT)

Office of Fair Trading (QLD)

Office of Consumer and Business Affairs (SA)

Consumer Affairs and Fair Trading (TAS)

Consumer Affairs (VIC)

Department of Consumer and Employment Protection (WA).