



Kaplan Professional Grievances, Complaints and Appeals Policy

Vocational Education



Scope

This policy is applicable to Kaplan Education Pty Ltd trading as Kaplan Professional (referred to as 'Kaplan Professional').

This policy applies to:

- All current students who have accepted Kaplan Professional's Enrolment Terms and Conditions.
- Prospective students who have had some interactions with Kaplan Professional Former Kaplan Professional students (within 12 months from the date they ceased to be enrolled with Kaplan Professional)
- All Kaplan Professional staff and contractors involved in the provision of education and training products and services for students and clients.
- Any third-party providing services on Kaplan's behalf to current or prospective students.
- All staff members involved in the management of grievances, complaints and appeals process.

This policy is to be used in the management of grievances, complaints and appeals relating to all aspects of a student's educational experience and learning environment at Kaplan.

Purpose

The purpose of this policy is to provide:

- A framework for managing grievances, complaints and appeals.
- A process for the investigation of grievances, complaints and appeals.
- A fair, equitable and confidential means of resolving grievances, complaints and appeals.

Policy Statement

Kaplan Professional is committed to compliance with applicable Standards for Registered Training Organisations (RTOs) 2015 5.2d(i), 6.1-6.5, 2.2b

Definitions

The following terms and definitions are applicable to this policy.

Grievances

A grievance is defined as a "cause for complaint, especially of unjust treatment". Common sense should be used before expressing a grievance. The fact of failing a course or a particular assessment is not itself a grievance; there must be an element of unfairness involved. For example, if a student has been unfairly assessed as Not Yet Competent, and the assessor will not reconsider and correct this, then the student may have a grievance.

Grievances typically fall into two categories:

- Minor issues that are suitable to be addressed informally and usually resolved easily by having a discussion with a staff member to clarify a misunderstanding.
- Major issues involving a formal process for resolution – such grievances are known as a "complaint" or a "formal complaint" to distinguish them from matters that are resolved informally.



Complaints	<p>A complaint is an expression of dissatisfaction by a student or person, as outlined in the scope of this policy (hereafter referenced as the complainant) about an issue related to a Kaplan Professional qualification, or an individual associated with Kaplan Professional which requires review, investigation, or action. All students are entitled to access the complaints process. Activities which may give rise to academic and/ or non-academic complaints covered by this policy are listed below:</p> <ul style="list-style-type: none">• Qualification (content or structure).• Subject enrolment, delivery, assessment, learning environment; outcomes, access to resources.• Student services and their processes (including contractor or employee conduct).• Individuals who believe that they have been treated unfairly on the grounds of access and equity.• Occupational health and safety concerns related to subject delivery and/or assessment.• Administrative action/inaction, procedure, or decision.
Appeals	<p>An appeal is a process whereby a student or a person disputes a decision made by Kaplan Professional following a formal written complaint.</p>
Appellant	<p>The person seeking an appeal of the decision following a formal complaint</p>
Complainant	<p>The person making a formal complaint</p>
Respondent	<p>The education provider – Kaplan Professional</p>
Under 18 Point of Contact	<p>The team that manages all contact with students who are under 18 and their parents/guardians.</p>
Academic complaints	<p>Academic complaints include, but are not limited to:</p> <ul style="list-style-type: none">• Academic staff members• Assessment• Course Content• Participation• Qualification outcome• Quality of Course Delivery• Student Academic Progress.
Non-academic complaints	<p>Non-academic complaints include, but are not limited to:</p> <ul style="list-style-type: none">• Enrolment• Payment of fees/student charges• Kaplan Professional Policies and Procedures• Student support services• Administration staff members• Racial/sexual harassment and/or discrimination• Access to resources.



Policy Principles

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

- Complaints and appeals will be dealt with in a timely manner in accordance with the timeframes in the process.
- All complaints and appeals will be dealt with at no charge to the complainant.
- The complainant and respondent 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 potentially at risk, or if they pose a health or safety risk to others.
- All complaints and appeals will be treated seriously and investigated thoroughly. A student may seek confidential, independent professional advice at any stage of a complaint.
- The complainant is entitled to ask for assistance in the form of a translator or interpreter, at any time during the process. The complainant and respondent may bring a support person (such as a friend, family member, counsellor or other third party) to assist them during any meetings that may be held in the process of resolving the complaint or appeal. The support person should not be a legal practitioner. The complainant is obliged to notify Kaplan that the person will be attending before the meeting.
- 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 outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the "Complaints and Appeals Register" and implemented where reasonably possible.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed once the complaint and the supporting evidence have been investigated and considered by either Kaplan Professional or the Appeals Committee.
- 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.
- Any complaints or appeals raised by a student who is under 18 must include the parent/guardian in consultation with the Under 18 Point of Contact. If the student has raised an issue related to an allegation of abuse or harm, then the student should send an email to safe@kaplan.edu.au.



Guiding procedures for Grievances and Complaints

Stage 1: Grievance received

In the first instance, issues relating to the grievance should be raised informally with a Student Services Representative either verbally or in writing by calling 1300 662 203 or sending an email to mail@kaplan.edu.au. If the grievance cannot be resolved by the Student Services Representative, the matter will be referred to the Student Resolutions team. If the student is not satisfied with the resolution of the grievance, a formal written complaint may be lodged with Kaplan Professional. All possible options will be considered for a grievance to be resolved without leading to a formal complaint.

Stage 2: Lodging a Formal Written Complaint

For Kaplan Professional to reach a timely resolution the complainant should submit their written complaint within 10 business days of the incident occurring.

To make a formal complaint, the complainant should complete the Formal Complaint Form available from the Kaplan Professional website. To assist in the resolution of a complaint, students are advised to include the following information when communicating their complaint.

- If lodging the form via email, use the word “Complaint” in the email subject line.
- If applicable, identify the subject/course.
- Summarise the issues relating to the complaint.
- Provide any evidence of attempts to resolve the complaint, including but not limited to emails, examples, dates, times etc.
- Specify the outcome that is being sought.

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

Manager, Student Resolutions
Kaplan Professional Education
Level 12, 45 Clarence Street
Sydney NSW 2000

Email: studentadviser@kaplan.edu.au

Stage 3: Investigating the complaint

The complaint will be assigned to the relevant manager. The complainant will receive written confirmation within five working days that their written complaint has been received. The complainant is advised to contact Kaplan Professional if they have not received confirmation that their complaint has been received within the five working days period.

The complaint will be recorded in Kaplan Professional's Complaints and Appeals Register. All complaints will be investigated within 10 working days of the date they are received by Kaplan or as soon as practicable (depending on the nature of the complaint) and resolved in accordance with this policy.



The complaint will be investigated by the Manager, Student Resolutions, relevant Business Unit Head, or their delegate, who may call on relevant staff, as required. The investigation of complaints may involve:

- Reviewing completed assignments and exams
- Reviewing course materials or resources.
- Consulting other course participants.
- Reviewing processes.
- Reviewing information provided if the complaint relates to bullying and/or harassment.
- Reviewing potential unfair treatment of individuals on grounds of access and equity.
- Speaking to relevant Kaplan Professional staff members to obtain further information.

Where there are grounds for further investigation of the complaint, particularly where it relates to learning, assessment or access and equity, a formal interview or meeting with the student/s involved in the complaint may be conducted to agree on an appropriate resolution. 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.

Stage 4: Resolving the complaint

The Manager, Student Resolutions, relevant Business Unit Head or their delegate may take up to 10 business days to investigate the issue and come to a decision. Written notice of that decision detailing the actions taken in response to the complaint and reasons of the outcome will be sent to the complainant within two working days of a decision being made. Kaplan Professional staff responsible for the implementation of the decision will be notified, as appropriate. If Kaplan Professional receives no communication from the complainant within 10 working days of the date of Kaplan's written response being sent, the complaint will be considered closed, except in exceptional circumstances. Any determination made in relation to a formal complaint will be documented in the Complaints and Appeals Register.

Guiding procedures – Appeals

Where a student, having lodged a formal complaint, subsequently receives a decision in circumstances that they believe provides grounds for appeal, the student has the right to appeal that decision under this policy.

Grounds of appeal

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

- the penalty imposed was excessive considering 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 or making the decision.
- some significant policy or procedural irregularity occurred in the investigative process.

Non-academic appeals by students are referred to the Head of Student Experience (or delegate) for determination according to the processes stated within this policy.



Stage 1: Submitting an appeal

Any complainant is entitled to appeal the decision to the Appeals Subcommittee if they feel they have sufficient basis for the appeal. The student must lodge a written Notice of Appeal available from the Kaplan Professional website within 10 working days of the decision being made.

Manager, Student Resolutions
Kaplan Professional Education
Level 12, 45 Clarence Street
Sydney NSW 2000
Email: studentadviser@kaplan.edu.au

The appeal must set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the complaint. It should also specify the outcome sought.

There is no cost for lodging an appeal and students will be treated fairly and respectfully, with a transparent appeals process.

Failure to provide a completed “Notice of Appeal”, with supporting new evidence as required, will result in the appeal not being heard.

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

Stage 2: Investigation of appeal

The Appeals Subcommittee

The Head of Student Experience will appoint the Appeals Subcommittee. It will comprise at least three 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.

The membership of the Appeals Subcommittee may also include a non-voting secretariat who keeps records of the hearing.

Duties and powers of the Appeals Subcommittee

The Head of Student Experience (or delegate) will determine whether to hear or dismiss the application. Where an appeal application is dismissed, students will receive written notification within five 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 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.



On receiving an appeal application from an appellant, the Head of Student Experience (or Kaplan approved delegate if there is a reasonable perception of bias, prejudice or conflict of interest) will review all aspects of the application and make the decision whether:

- to allow the appeal to proceed to the Appeals Subcommittee or
- in the appellant's interests, to defer the appeal or
- to dismiss the appeal by the appellant.

Where the Head of Student Experience determines that a valid case is established by the appellant within the requirements of this policy, the Head of Student Experience will decide that the Appeal will proceed to the Appeals Subcommittee.

Where the appellant's interests suggest that the appeal should be placed on hold pending the results of current subjects being studied, the Head of Student Experience has discretion to decide to defer the Appeal pending those results. Once those results are made available the Head of Student Experience must decide to allow or dismiss the Appeal within ten working days.

If the Head of Student Experience finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, then the Head of Student Experience will decide that the appeal will be dismissed without proceeding to a hearing by the Appeals Subcommittee.

Once a decision has been made by the Head of Student Experience it will be communicated to the appellant in accordance with the standards stated in this policy.

Where the appeal application is dismissed by the Head of Student Experience, the appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available to them.

Stage 3: Appeal hearing

If the Head of Student Experience decides that the appeal should proceed to a meeting of the Appeals Subcommittee that meeting will, wherever possible, be convened not more than ten working days after the Notice of Appeal is received by Kaplan.

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.

The complainant is entitled to be supported by another person and must advise Kaplan Professional prior to the hearing. Both parties, the appellant and Kaplan Professional, cannot appoint a legal representative to represent them at the appeal hearing.

The Appeals Subcommittee may adjourn at any time during the appeal hearing to consider any matter it deems relevant.

Stage 4: Resolution of appeal

The Appeals Subcommittee (and/or Head of Student Experience) must decide within 10 working days after the conclusion of the hearing whether to uphold or deny the appeal and to communicate this in writing to the Manager, Student Resolutions who will communicate the outcome in writing to the appellant usually within ten working days of



the decision being made or as soon as practicable (depending on the nature of the appeal). If for some reason the investigation or determination takes longer, the appellant will be advised in writing. Kaplan is also responsible for enacting any recommendations arising from the hearing

The appellant may withdraw their appeal at any stage in the process. If the appellant does this no further appeals will be accepted. The appeal will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Subcommittee or Head of Student Experience, as appropriate, may determine what action is to occur. Where the Appeals Subcommittee or Head of Student Experience dismiss an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

The proceedings and decision of an appeal will be kept private and confidential, as outlined in Kaplan's Privacy Policy. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Subcommittee and/or the Head of Student Experience (or delegate) is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation.

External independent review

If the appellant wishes to appeal the decision of the Appeals Subcommittee, the appellant can lodge an external appeal. The appellant will have twenty working days to request an external review from the date of Kaplan Professional's letter notifying the appellant of the outcome of their appeal.

An external appeal should only be made after all internal appeal processes under this policy have been addressed. However, at any part in the complaints or appeals process the complainant can refer the matter to an external agency.

Students may request mediation through Resolution Institute <https://www.resolution.institute>. A student Mediation Scheme Information Kit can be obtained from the Resolution Institute, currently to be found at the following link: <https://www.resolution.institute/resolving-disputes/tertiarystudent-au>. Mediation and external reviews will be conducted in accordance with the Resolution Institute Mediation Rules: <https://www.resolution.institute/documents/item/1897>. No further appeals will be accepted after mediation.

The parties will agree to be bound by the external independent mediator's recommendations and Kaplan Professional 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.

Please note that applying for an external review with the Resolution Institute will incur a fee that will have to be paid by the person complaining/appealing a decision. For the exact fees, complainants/appellants should contact the Resolution Institute.

Furthermore, students may want to consider contacting the Australian Skills Quality Authority for certain types of complaints. More information can be found at <https://www.asqa.gov.au/students/complaints>

Contact details for External Independent Review Bodies:



Resolution Institute	Telephone: 02 9251 3366/1800 651 650 Email: infoaus@resolution.institute Website: www.resolution.institute
Australian Skills Quality Authority (ASQA)	Telephone: 1300 701 801 Email: enquiries@asqa.gov.au Website: www.asqa.gov.au

Please note:

- If students prefer to make a complaint in a language other than English, they can call the Translating and Interpreting Service (TIS) on 131 450 or visit the following link for more information: <https://www.tisnational.gov.au/>
- Kaplan will maintain the student's enrolment while the internal or external complaint/appeal process is ongoing.
- For students in South Australia assistance can be sought from the South Australian Skills Commission.

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 complaint 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.

Where a complainant/appellant lodges a formal complaint or appeal they must be advised of:

- the receipt of the complaint or appeal by Kaplan and any proposed action to be taken
- the outcome and the reasons for the outcome of the complaint or appeal and any further avenues for appeal available.

All records relating to the complaint and/or appeal will be recorded on the complainant's record and maintained as outlined in the Student Record Management Policy to allow both parties access to these records upon written request.

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 Policy.

Relevant Legislation

As a registered education provider, Kaplan Professional operates under strict legislation and regulations. Policies and procedures are in place to ensure compliance with the legislative instruments referenced below.

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Disability Standards for Education 2005



- Discrimination Act 1991
- Human Rights and Equal Opportunity Commission Act 1986
- Privacy Act 1998 Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Standards for Registered Training Organisations (RTOs) 2015

Related Policies

This policy should be read in conjunction with the following Kaplan Professional policies and documents:

- Assessment Policy
- Continuous Improvement Policy
- Diversity, Inclusion and Equity Policy
- Health and Safety Policy
- Information Technology Acceptable Use Policy
- Prevention of Harassment and Bullying Policy.
- Privacy Policy.
- Refund Policy
- Sexual Misconduct Prevention and Response Policy
- Student Misconduct Policy and Procedure
- Student Record Management Policy.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this Policy.

Policy Category	Service			
Responsible Officers	Head of Student Experience			
Implementation Officers	Manager, Student Resolutions; Manager, Student Experience			
Review Date	June 2025			
Approved by				
Policy Committee				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Head of Student Experience	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	31.01.2018	03.09.2018
3.0	Quality, Regulations and Standards team	Applied new template. Revised definitions and guiding procedures. Forms, Updated job titles.	19.05.2022	31.05.2022