

# GRIEVANCE POLICY

**Policy Code:** GRV - 001

**Version:** 1.0

**Effective Date:** 2<sup>nd</sup> April 2018

## PURPOSE

This policy provides guidance to students and members of the public to the procedure to be followed and ensuring that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential and prompt resolution as it pertains to Vocational Education and Training (VET). This policy is freely available to students, persons seeking to enrol in a course with ACOAE's RTO, regardless of the location of campus at which the grievance has arisen, the student's place of study or the delivery mode via ACOAE's RTO's website.

This policy also has been developed to support Standard 6 of the *Standards for Registered Training Organisation's (RTO's) 2015* to ensure complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

**Definition of "College"** – ACOAE's RTO. *For the purpose of this policy, any reference to 'College' or 'the College' should be considered a reference ACOAE's RTO.*

### Scope:

- campus and all courses
- All domestic and international students
- All prospective students of the College (up to 6 months from issue arising – non-academic matters only)
- All former students of the College (up to 12 months after enrolment has ceased or later if in relation to a records matter)
- All trainer/assessors and contract trainer/assessors (for information purposes only)
- Members of the public with a grievance related to VET operations at the College.

## POLICY STATEMENT

ACOAE's RTO is committed to providing high quality educational programs and excellent graduates who will practice as leaders in their field. The College recognises the importance of effective communication as essential to resolving any concerns, and this policy is fundamental to the resolution of grievances and the reconciliation of Claimants with the College.

The College considers it important to be made aware of all appeals and grievances from members of the College community.

The College aims to respond to appeals and grievances in a fair and equitable manner and to resolve the grievance to the satisfaction of all parties. This Policy is in place to deal with both academic and non-academic appeals and grievances and to guide the actions taken by all parties.

This Policy and related Grievance Procedure will be published on the College's website for the information of current and prospective students, trainer/assessors, and general staff. In addition, it will be provided to students at course commencement.

The College Manager & Student Services are responsible for the training of trainer/assessors and support staff in the application of the Policy.

## RECORD KEEPING AND CONFIDENTIALITY

Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not student or staff files) in Axcelerate. All related correspondence, both inwards and outwards, will be maintained in the file and stored in the office of the College Manager. Each file is to be held by the College for a minimum period of five years after the Claimant's final dealings with the College on the grievance.

The minimum five year retention provision also applies where the grievance is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the grievance. Informal grievance records will be destroyed when mutual resolution is agreed.

Confidentiality is observed at all times, with records of all grievances, applications for review and the outcomes only available to the parties involved in the grievance under supervised access upon written request to the College Manager.

## ACADEMIC AND NON-ACADEMIC MATTERS

**Academic matters** relate to student course progression and completion, assessment, teaching and learning resources, quality of course delivery, achievement in a course and competency in a course.

**Non-academic matters** do NOT relate to student course progression and completion, assessment, teaching and learning resources, and competency in a course(s), but can include such matters as grievances or grievances from members of the public in relation to the operations.

This policy also extends to grievances about breaches of personal information by the College relating to information obtained by the College for the purposes of CRICOS Students. Non-academic matters may include, but are not limited to operational, administrative, discrimination and harassment issues.

Examples of both academic and non-academic matters are listed in the table below.

Academic	Non-Academic
Appeal of grading decision (e.g. failure of an assessment piece or unit of study/unit of competency)	Sexual harassment, racial or sexual discrimination
Exclusion from study or continual enrolment	Breach of personal information
Results of credit transfer or RPL applications	Unfair treatment
Findings of allegations of academic student misconduct (e.g. plagiarism or cheating)	Findings of allegations of academic student misconduct (e.g. plagiarism or cheating)
Quality of course delivery	Concerns about campus facilities, environment, health and safety or equipment

## ASSURANCES

During all stages of the grievance process, ACOAE's RTO will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of raising a grievance.

An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent.

Appropriate confidentiality will be maintained, and where possible, disclosure of grievance information will be limited to those who are legitimately involved in the process of resolving the grievance.

Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination.

This Policy does not replace or modify policies or any other responsibilities that may arise under other College policies or under statute or natural justice. Neither this Policy nor the availability of grievance and appeals processes remove the right of the student to take action under Australia's consumer protection laws or the right to pursue other legal courses of action.

## FEEDBACK

Feedback from students, and members of the public about operational or courses offered by the College is encouraged and would not normally be viewed as a grievance, unless specific action is requested in the form of a concern raised. Access to the Quality Feedback can be completed by direct email for members of the public or to the college email, or via the Learner Engagement Questionnaire at the end the completion of the course. All feedback submitted will be responded to within three (3) working days. However, in some cases, students, members of the public or may feel that they have experienced unfair or unreasonable treatment, disadvantage or distress that they wish to pursue through a more formal process. Feedback submitted via the Quality Feedback Monitor can be considered Stage 1 of the grievance process, known as the Informal

Resolution Process (see below).

If the grievance is not resolved through informal procedures, Claimants may initiate a Formal Grievance Process. There is no cost to the Claimant for utilising the College grievance procedure.

## PROSPECTIVE AND FORMER STUDENTS

This Policy and related procedure also cover prospective students of the College who have a grievance with such non-academic matters as the enrolment process, or students who have ceased their enrolment with the College. Issues from prospective students can be considered under this Policy up to six (6) months from the time of the issue arising. Issues from former students can be considered under this Policy for a period of up to 12 months after their enrolment has ceased. A grievance submitted under these circumstances must not be a previous grievance that has been considered resolved, but a new grievance with new facts that may have recently come to light. A previous grievance cannot be re-instigated after the student's enrolment with the College has ceased or after the prospective student's grievance has been resolved.

## STAGES OF GRIEVANCE IMPLEMENTATION

The following steps identify the four key stages through which a grievance may be processed.

The College provides the following steps to allow the grievance to be formalised. The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the following stages.

The Claimant has the right to be heard on the matter of the grievance at any stage and may be accompanied by their nominated support person or third party when meeting with the College to discuss their particular concern. Grievances will be resolved as soon as possible with due regard to the legislative standards which includes the process to commence within 10 working days, be at no direct cost to the student and to be finalized as soon as is practicable. If the College considers more than 60 calendar days is required to process

and finalise a grievance, the complainant will be informed in writing as to the reasons behind this decision.

The four stages of the Grievance Process are fully detailed in the related Grievance Procedure.

### Stage 1 – Informal Resolution Process

Wherever possible the resolution of student grievances will be handled informally. Claimants are encouraged to attempt to resolve the grievance informally and amicably at an early stage. This can be done through speaking directly with a member of student support or staff, or can be systematized and lodged via Email to the college.

An initial response will be received within 3 working days. If appealing a grade or assessment item students are required to meet with the Senior Trainer and Assessor in the first instance to review their assessment results.

Should an appeal still wish to be undertaken then students must proceed to Stage 2.

### Stage 2 – Formal Resolution Process

The formal grievance procedure begins when a student, member of the public or client, states in writing that they have a grievance using the formal grievance paperwork submitted directly to the College Manager, and Student Services via student administration. It is important to note that formal grievances respect the right and the privacy of the individual, and all formal grievances MUST be lodged individually. Each Claimant's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

### Stage 3 - Appealing the Original Decision

At this stage, the original decision is reviewed by the Complaints and Decision Review Committee. Students, members of the public who are dissatisfied with the outcome of their grievance may lodge an appeal of the decision detailing the reasons for the appeal to the College Manager, and Student Services **within 20 working days** of being informed of the decision. The College Manager and Student Services is responsible for convening the Complaints and Decision Review Committee based on the appeal documentation. The Committee membership includes external members of the College's governing - bodies,

internal staff and a student representative. The Committee will meet to consider the appeal and may interview the Complainant or other stakeholders in the course of its considerations.

### Stage 4 - External Independent Review

Claimants who wish to lodge an external appeal or complaint against the outcome of the internal appeal process may consider an independent external review of the decision. To progress to Stage 4, the Claimant is required to respond within 10 days of receipt of the final decision to the College Manager, and Student Services. The Director, and Student Services will notify the student of their right to appeal if they are not satisfied with the outcome and provide details regarding access to an external reviewer. The application must be lodged within 28 days of receiving a written notice of the final internal outcome to the external reviewer.

If not satisfied with a decision of the Complaints and Decision Review Committee, the claimant may, within 20 working days of receiving the decision, submit a request in writing to the, College Manager, and Student Services that the matter be further reviewed by an external reviewer. The request must be in English.

The claimant needs to ensure that this request presents a substantial reason for an external review of the decision, and must include all documents relevant to the case so the external reviewer can get a full understanding of the grievance. It is not sufficient for the claimant to simply disagree with the decision and request an external reviewer. *The written request needs to present new or additional information to support their case or to substantiate their argument as to why the original decision of the Complaints Committee or previous Stage 2 appeal did not comply with the College's Policies, rules or procedures.*

The College has arranged for such an external reviewer to be appointed by the Australian Council for Private Education and Training (ACPET) for non-financial decisions. The student has the right to appeal decisions involving financial implications to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal.

## NON-FINANCIAL DECISIONS

On receipt of a written request from a claimant for external review of the decision made in Stage 3, the College Manager, and Student Services will contact ACPET who will assist the claimant in making contact with an external reviewer. The claimant has to approve the external reviewer before commencing the process.

ACPET will be provided with copies of the request and other documentation relating to the grievance. The reviewer facilitated by ACPET will be an appropriately qualified person (such as a retired academic or trainer/assessor, administrator from the relevant industry) available to carry out this role and be approved by firstly the claimant and the College. All information provided to ACPET and the external reviewer will be treated as confidential. Within 30 working days of receipt of the grievance, the external reviewer will provide to the College Manager, and Student Services, the written outcome of the review, together with any recommendations.

Within 20 working days of receiving the external review decision and recommendations, the College Manager and Student Services will ensure that recommendations arising out of the external review are implemented, give the claimant comprehensive written advice about the outcome, and file all records in confidential storage.

If the claimant is not satisfied with the external reviewer the claimant has the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline, phoning 13 38 73, Monday – Friday, 8am to 6pm nationally, or emailing [skilling@education.gov.au](mailto:skilling@education.gov.au)

## DECISIONS WITH FINANCIAL IMPLICATIONS

**At the time of the original decision, and at the time of the subsequent Review Decision,** the student will be notified of their review rights and responsibilities. The relevant officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The

Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

### **For your local AAT Office and application**

**fees contact:** <http://www.aat.gov.au/ContactUS/PrincipalRegistry.html>

Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid as outlined on the website and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

### **For International students enrolled in a VET course**

Overseas students who wish to lodge an external appeal or complaint against the outcome of the member's internal grievance process can contact the Overseas Students Ombudsman. For contact details and information please see [www.oso.gov.au/making-a-complaint](http://www.oso.gov.au/making-a-complaint).

By accessing the site above you will be required to fill in an online complaint form. The Overseas Students Ombudsmen's services are free of charge.

International students are required to refer to the Complaints and Appeals Policy- International for further information.

### **External Independent Review Decision**

The College agrees to be bound by the independent external reviewer's recommendations. The College Manager, and Student Services (or delegated nominee) will ensure that any recommendations made are implemented within 30 days of receipt of the external reviewer's report.

### **Continuous Improvement**

Any improvement action arising from a student grievance or appeal will be recorded in accordance with the College's Continuous Improvement Process.

## RELATED PROCEDURES

### Grievance Procedure

#### Definitions:

**Academic grievance** – a grievance about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

**Appeal** - An application to a higher authority for a decision to be reversed.

**Claimant** – refers to the person who formally instigates a grievance, complaint or appeal.

**Complaint** – A statement that a situation is unsatisfactory.

**Formal grievance** – refers to the formal lodging of a written grievance, complaint or appeal.

**Grievance** – An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

**Informal grievance** – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.

**Natural justice** – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

**Non-academic grievance** – a grievance about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

**Respondent** – refers to the person or institution against whom the grievance is lodged.

**Student** – is an individual person who is formally enrolled to study at ACOAE's RTO. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Support Person** – the student is entitled to be supported by another person, being willing to support, whom the student appoints to assist at any stage of the process

#### Further Information:

**Related Policies:** Student Code of Conduct

**Supporting Research and Analysis:** Not Applicable

#### Related Documents:

- Formal Grievance Form
- Related Legislation:
- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisation's (RTOs) 2015

**Guidelines:** Not Applicable

<b>Policy Author:</b>	Compliance Manager – Quality, Standards and Compliance
<b>Policy Owner:</b>	Student Services
<b>Contact:</b>	Student Services
<b>Approval Body:</b>	College Council
<b>Policy Status:</b>	Current
<b>Responsibilities for Implementation:</b>	<ul style="list-style-type: none"> <li>• Student Services</li> <li>• College Manager</li> <li>• Student Services Staff</li> </ul>
<b>Key Stakeholders:</b>	<ul style="list-style-type: none"> <li>• Student Services</li> <li>• College Manager</li> <li>• Student Services Team</li> <li>• Students</li> </ul>