Policy - Complaints and Appeals

Policy Number: General 09

<table>
<thead>
<tr>
<th>References</th>
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<tbody>
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<td></td>
<td>Education and Training Reform Act 2006 (Victoria)</td>
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<td>Privacy Act 1988 (Commonwealth)</td>
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<td>Information Privacy Act 2000 (Victoria)</td>
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<td>Public Health and Wellbeing Act 2008</td>
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<td>Public Health and Wellbeing Regulations 2009</td>
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<td></td>
<td>National Vocational Education and Training Regulator Act 2011</td>
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<td></td>
<td>(Commonwealth) – SNR 16, 16.7</td>
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<td></td>
<td>Victorian Guidelines for VET Providers (Victoria)</td>
</tr>
</tbody>
</table>

Prepared By: Compliance Manager

Approved By: Director, ACUcom

Date of Approval: 16/01/2015

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15. Confidentiality and Privacy Statement
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1. Purpose

The purpose of this policy and procedure is to outline ACUcom’s approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards.

2. Policy

ACUcom makes every effort to provide satisfactory services to its students but complaints may occasionally occur that require formal resolution or students may appeal against a complaint outcome or educational determination (e.g. assessment result).

ACUcom responds to all allegations involving the conduct of:

- The RTO, its trainers and assessors and other staff.
- Any third party providing Services on behalf of ACUcom.
- Any student or client of ACUcom.

Complaints may be made in relation to any of ACUcom’s services and activities such as:

- the application and enrolment process
- marketing information
- the quality of training and assessment provided
- training and assessment matters, including student progress, student support and assessment requirements
- the way someone has been treated
- the actions of another student

Appeals should be made to request that a decision made by ACUcom is reviewed. Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
• assessment outcomes / results

• other general decisions made by ACUcom

ACUcom is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, ACUcom ensures that complaints and appeals:

• Are responded to in a consistent and transparent manner.

• Are responded to promptly, objectively, with sensitivity and confidentiality.

• Are able to be made at no cost to the individual.

• Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

ACUcom Staff may also use this complaints and appeals process.

ACUcom will use all complaints as an opportunity for continuous improvement.

This policy and procedure is compliant with VQF and National Code Standards in providing a process for complaints and appeals to be heard and actioned where necessary.

*The ACUcom Complaints and Appeals policy:*

• Is based on the principles of confidentiality, fairness, and objectivity. The Access and Equity Policy will apply.

• Is freely available to students and may be accessed at any time at no cost to the complainant/appellant.

• Should a student decide to make a formal complaint or appeal, then their enrolment at ACUcom will be maintained and they will be expected to continue their studies and follow the Student Code of Conduct whilst the complaint and/or appeals processes are underway.

• All the information regarding this policy can be found:
  - On the ACUcom website;
  - In the Student Handbook;
  - In the Letter of Offer and Agreement
  - During Orientation
  - From Reception

• The student can be supported or accompanied by an independent person or friend during the complaints and appeals process.
• It is normal ACUcom policy that whilst a student is going through any formal complaint or appeals process that the student remains enrolled at ACUcom and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the students favour.

• ACUcom has a fair and transparent informal and formal complaints and appeals process, but should the student require it, access is available to an independent mediator who can review the compliant and/or appeals process.

Important: see notes at beginning of section on External Appeals Procedure below.

NOTE: If the outcome is in the appellant’s favour then ACUcom will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

3. Definitions

<table>
<thead>
<tr>
<th>Services</th>
<th>means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards</td>
<td>means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework</td>
</tr>
<tr>
<td>Complaint</td>
<td>An informal or a formal written allegation of a breach of rules, policies or governing regulations of ACUcom either by a staff member or a student. This might include complaint about the RTO, RTO staff, other learners or third parties.</td>
</tr>
<tr>
<td>Appeal</td>
<td>A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration</td>
</tr>
<tr>
<td>Appellant/Complainant</td>
<td>A student (or staff member) who wishes to activate the complaints and appeals process</td>
</tr>
<tr>
<td>External Appeals Process</td>
<td>For Domestic students the service provided by LEADR, that is available to access once the internal process has been exhausted at a minimal cost. <a href="http://www.leadr.com.au/">http://www.leadr.com.au/</a></td>
</tr>
</tbody>
</table>
4. Complaints Procedure

This procedure provides students and staff the opportunity to have issues relating to a verified complaint or appeal resolved. The internal complaints and appeals process will be at no cost to the student. The following outlines the steps undertaken for complaints and appeals:

Informal Complaints

Whenever possible those with a grievance should attempt to resolve the issue with the person/persons directly involved. For example: students should approach their trainer in the first instance on any matters relating to their training or assessment or reception staff for matters relating to the building or facilities.

This may include advice, discussions, and general mediation in relation to the issue and the student’s complaint/issue. Any staff can be involved in this first step of the informal process to resolve issues. If the complaint/issue is not able to be resolved at this point, it should be referred to the Student Welfare and Support Coordinator for discussion and possible solution to the issue.

The next step in the informal process, should the complaint/issue not be resolved by the Student Welfare and Support Coordinator is for the issue to be referred to the Course Coordinator. If these attempts to resolve the complaint/issue are not successful then a formal complaint may be lodged.

Formal Complaints

Any student or a potential student may submit a formal complaint to ACUcom with the belief that all complaints will be treated with fairness, integrity and privacy. There is no cost for the complaints process unless it is referred to a third party. Complaints must be lodged using the Complaints Form available at Reception, or via the ACUcom website. The process for Formal Complaints is as follows:

a. A Formal Complaints form is completed and lodged with the Student Welfare and Support Coordinator, Compliance Manager or Director of ACUcom.

b. The Formal Complaint is recorded in the Complaints Register.

c. The issue/complaint is referred to the Student Welfare and Support Committee and if resolved at this point, the student is advised by mail/email of the outcome.

d. If the issue/complaint is not resolved at this point, the student is advised of the outcome by mail/email and advised of the Internal Appeals Procedure.
5. **Internal Appeals Procedure**

All students have the right to appeal decisions made by ACUcom where reasonable grounds can be determined. The areas in which a student may appeal a decision made by ACUcom may include:

- i. Assessments conducted – for rules relating to assessment criteria see the Assessment Policy and Procedure
- ii. Deferral, suspension, or cancellation decisions made in relation to the student’s enrolment
- iii. Or any other conclusion / decision made after a complaint (see above) has been dealt with by ACUcom in the first instance.

6. **General**

The process to be followed for an external appeal is documented by LEADR for Domestic Students.

The following actions must be completed for a complaint or internal appeal:

<table>
<thead>
<tr>
<th>Receive and acknowledge complaint</th>
<th>a. As per policy, complaints are to be made in writing by the complainant.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b. The National Compliance Manager should review all complaints upon receipt.</td>
</tr>
<tr>
<td></td>
<td>c. Acknowledge receipt of complaint in writing by sending a letter to complainant.</td>
</tr>
<tr>
<td></td>
<td>d. Record details of the complaint on the Complaints and Appeals Register.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Review of Complaint or Appeal</th>
<th>Once a complaint or appeal is received and checked for it should be forwarded to the review person (identified in the table below) for review</th>
</tr>
</thead>
</table>

| Cost | There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses for attending ACUcom offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed. |

| Presentation of case | ALL complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost. |

| Determination | The Review Person may gather evidence and constitute a review committee as they see fit. This process must be commenced within 10 working days of the lodgment of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable time period usually 10-15 working days. |

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If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as possible and within 5 working days asking for evidence. The process will be put on hold until the evidence is received.

How a decision is reached will be advised in the written response to the complainant or appellant.

<table>
<thead>
<tr>
<th>Timescale</th>
<th>The complaint or appeal should normally be commenced within 10 working days of the receipt of the completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal following a complaint</td>
<td>If the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.</td>
</tr>
<tr>
<td>Formal response to a complaint</td>
<td>A template for a formal written response has been developed for when the complaint is accepted or rejected. This included the complainant’s right to access the Internal Appeals process.</td>
</tr>
<tr>
<td>Formal response to an appeal</td>
<td>A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant’s right to access the External Appeal process.</td>
</tr>
<tr>
<td>Documentation</td>
<td>ALL documentation relating to a formal complaint or appeal MUST be recorded on the student file. This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidently and stored securely for 7 years. Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified and ACUcom takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</td>
</tr>
<tr>
<td>Complaints and Appeals Register</td>
<td>All formal complaints or appeals must be logged in the Complaints and Appeals Register</td>
</tr>
<tr>
<td>Learning</td>
<td>A complaint or appeal is a learning opportunity for ACUcom. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented</td>
</tr>
</tbody>
</table>
| Standards for Registrated Training Organisations 2015 | Subject to Clause 6.6, to be compliant with Standard 6 ACUcom has the following procedures in place:
1. ACUcom has a complaints policy to manage and respond to allegations involving the conduct of: |
a) ACUcom, its trainers, assessors or other staff;
b) a third party providing services on ACUcom’s behalf, its trainers, assessors or other staff; or
c) a learner of ACUcom.

2. ACUcom has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by ACUcom or a third party providing services on the ACUcom’s behalf.

3. ACUcom’s complaints policy and appeals policy ensure:
   a) the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
   b) are publicly available;
   c) set out the procedure for making a complaint or requesting an appeal;
   d) complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
   e) provide for review by an appropriate party independent of ACUcom and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

4. Where ACUcom considers more than 60 calendar days are required to process and finalise the complaint or appeal, ACUcom:
   a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
   b) regularly updates the complainant or appellant on the progress of the matter.

7. Categorisation of complaint or appeal

<table>
<thead>
<tr>
<th>The nature of the complaint or appeal will be categorised as follows:</th>
<th>Matter referred to the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrative Complaint.</strong> Complaints against the delivery of administrative and support services and facilities</td>
<td><strong>National Compliance Manager</strong></td>
</tr>
<tr>
<td><strong>Academic Complaint.</strong> Complaints against teachers/trainers, training delivery and assessment and the like.</td>
<td><strong>Coordinators/ National Compliance Manager</strong></td>
</tr>
</tbody>
</table>

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### 8. External appeals procedure for Domestic Students

i. The purpose of the external appeals process is to consider whether ACUcom has followed its student complaint and appeals procedure, and should only be used after exhausting the internal procedures described above.

ii. If the complainant is dissatisfied with the outcome of the complaint at the end of the internal process, they may wish to have the matter dealt with through an external dispute resolution process facilitated by LEADR. ACUcom is a member of the LEADR Student Mediation Scheme.

iii. The process is described on the LEADR website (http://www.leadr.com.au/).

iv. Following the receipt of the outcome of the external appeal ACUcom must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

v. If an appeal is against ACUcom’s decision to defer or suspend a student’s enrolment due to misbehaviour or to cancel a student’s enrolment at ACUcom then ACUcom will only reinstate the student upon the appeal being upheld.

vi. The division of the expenses associated with the mediation eg. mediator’s fee, room hire and possibly travel expenses are to be shared equally between ACUcom and the complainant.

vii. Dissatisfied student with ACUcom’ complaints process and someone who feels that they haven’t been given a fair hearing can contact the relevant State/Territory Training Authority, the Australian National Training Authority or the Australian Government Department of Education, Science and Training National Training Complaints Hotline on 1800 000 674.

### 9. Discussion / Negotiation

The parties agree that in the event of a dispute arising they shall first meet and attempt to resolve the issues of concern by means of discussion and personal negotiation. If this process does not resolve the issue(s), they shall refer the matter to mediation.
10. Mediation – LEADR Student Mediation Scheme

The parties must endeavour to settle any dispute in connection with the contract by mediation. Such mediation is to be conducted by a mediator who is independent of the parties and appointed by agreement of the parties or, failing agreement within seven (7) days of receiving any party’s notice of dispute, by a person appointed by the Chair of LEADR or the Chair’s designated representative (ACN 008 651 232).

11. Rules

The LEADR Mediation Rules shall apply to the mediation. A copy is available from the Compliance Manager.

12. Arbitration or Litigation

It is the right of either party to commence arbitration or litigation.

13. Continuous Improvement

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of the Continuous Improvement policy and procedure at the Management Meeting for review. The purpose of this is to ensure management become aware of:

- repeat issues
- students that may be being vexatious in using the process
- Common threads relating to the general management and or safety of the staff and students and the services being provided.

(when viewed collectively) any general adverse trend that needs correcting

14. Confidentiality and Privacy Statement

ACUcom values and is committed to protecting the privacy of its students. We collect and use student’s personal information provided on the Complaints Form to address their complaint. Access to the complaint details are restricted to authorised staff who assist in addressing the complaint. The student will receive written notification of the final outcome/resolution of the complaint. Students may have the right to access the personal information we held on them subject to any exemptions in relevant laws, by contacting us on quality.acucom@acu.edu.au.
15. Publication

This policy, once ratified, will be available to all students and staff by accessing it from the ACUcom website or from ACUcom Reception. This policy and procedure will form part of the information distributed and communicated during staff orientation.

16. Forms

- ST-12 – ACUcom Complaints Form
- ST-11 - ACUcom Appeals Form

17. Related Documents

- R01 Complaints and Appeals Register
- General 12 Attendance Monitoring Policy
- General 14 Deferment, Suspension, Cancellation Policy
- General 16 Continuous Improvement Policy
- General 21 Administration and Records Management
- Appendix A: FA01 Complaints and Appeals Fact Sheet
- Appendix B: ACUcom Student Complaints and Appeals
- Appendix C: Complaints assessment and resolution by ACUcom

18. Version History

<table>
<thead>
<tr>
<th>Number</th>
<th>Date</th>
<th>Reason</th>
<th>Prepared by</th>
<th>Approved By</th>
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<tr>
<td>1.0</td>
<td>March, 2014</td>
<td>New policy for Audits</td>
<td>Sukh Sandhu</td>
<td>Debbie Wilson</td>
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<tr>
<td>2.0</td>
<td>April, 2014</td>
<td>Minor Changes</td>
<td>Sukh Sandhu</td>
<td>Debbie Wilson</td>
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<tr>
<td>3.0</td>
<td>May, 2014</td>
<td>Minor Changes</td>
<td>Sukh Sandhu</td>
<td>Debbie Wilson</td>
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<tr>
<td>4.0</td>
<td>July, 2014</td>
<td>Major Changes</td>
<td>Sukh Sandhu</td>
<td>Debbie Wilson</td>
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<tr>
<td>5.0</td>
<td>January 2015</td>
<td>Review and update for audit</td>
<td>Sukh Sandhu</td>
<td>Debbie Wilson</td>
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