

## **P06 - GRIEVANCES, COMPLAINTS AND APPEALS POLICY AND PROCEDURE**

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Approval Authority: Director of Training and Compliance  
Current Version: 3.0  
Approval Date: 27 May 2015  
Future Review Date: May 2016

### **1 PURPOSE AND SCOPE**

The purpose of this policy and procedure is to outline the policy and procedures for grievances complaints and appeals.

Australian Hospitality Skills Recognition Pty Ltd / Australian Skills Management (AHSR/ASMI) is committed to maintaining an effective, timely, fair and equitable complaint handling system which is easily accessible and offered to complainants at no charge for internal services. AHSR/ASMI also aims to:

- a. maintain a culture that views complaints as an opportunity to improve the organisation and how it works; operate a complaints handling system that is client-focused and helps AHSR/ASMI to prevent complaints from recurring;
- b. ensure that any complaints are resolved promptly, objectively and with sensitivity and in complete confidentiality; and
- c. ensure that there is a consistent response to complaints.

This policy and procedure is not limited to students or potential students (international or domestic) it applies to all parties affiliated with AHSR/ASMI and all associated premises, resources and services.

### **2 TERMS AND DEFINITIONS**

- a. **Appellant** - the person lodging the appeal
- b. **Grievance** - a grievance is a concern about all matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by AHSR/ASMI, which is brought to the attention of AHSR/ASMI in an informal way, i.e. it is spoken about, not written down
- c. **Complaint** – a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing
- d. **Complainant** – the person lodging the grievance or complaint, regardless of whether the person is a student, a citizen, permanent resident or on a visa, whether they are studying a domestic or international program or if it's VET Fee-Help eligible.
- e. **Assessment Appeal** - neither a grievance nor a complaint is about dissatisfaction in relation to an assessment process or outcome; that is an Assessment Appeal and is addressed under a separate policy

- f. **Appeal** – if a person is dissatisfied with a decision made by AHSR/ASMI, s/he has ten (10) working days from the date stated within the written notification in which to lodge an appeal to have the case reviewed. This includes decisions relating to complaints outcomes and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, refusals of transfer applications, and/or pending cancellation of enrolment

A complaint can be defined as a person's expression of dissatisfaction with any aspect of AHSR/ASMI services and activities. A complaint may be an expression of dissatisfaction with:

- a. **academic matters** such as the provision of training and assessment within a VET course of study, including quality of teaching, classroom issues, availability and standard of instructional resources, course content, student progress, scheduling, training facilities and discrimination; and
- b. **non-academic matters** relating to the provision of support services such as those associated with the enrolment process, Director functions, job placement assistance, handling of personal information and access to personal records

### 3 GRIEVANCES, COMPLAINTS AND APPEALS POLICY

#### 3.1 Access

All parties are entitled to access the grievances, complaints and appeals process regardless of the location of the campus at which the matter has arisen, their place of residence, or the mode in which they study.

The dispute resolution process described in this policy does not prevent an overseas student from exercising the student's rights to other legal remedies. If the student chooses to access the AHSR/ASMI complaints and appeals processes the student's enrolment will be maintained while the complaints and appeals process is ongoing.

All parties can access the four (4) stages of the procedure. During each stage AHSR/ASMI will take all possible steps to ensure that:

- a. the complainant and the respondent will not be victimised or discriminated against;
- b. the complainant has an opportunity to formally present his/her case and each party to the complaint may be accompanied and assisted by a support person at any internal meetings, including an Internal Case Review;
- c. detailed written explanations are provided of decisions and actions taken as part of the process; and
- d. where the internal or external process results in a decision that supports the complainant, AHSR/ASMI immediately implements any decision and/or corrective and preventive action required and advises the complainant of the outcome in writing

There is no cost to the complainant for utilising AHSR/ASMI's internal services; however, there may be a specified cost for utilising an independent external body, please refer to Stage 4 for further information.

### **3.2 Communication**

This procedure shall be communicated to students within the student orientation program, be included in the staff induction program and be available to all parties on the AHSR/ASMI website. All parties shall be advised the Chief Executive Officer (CEO), Director of Training and Compliance (DTC) or delegated officer can be contacted, by phone 07 3010 9367 or via email at [admin@australianhospitalityskills.edu.au](mailto:admin@australianhospitalityskills.edu.au).

## **4 GRIEVANCES, COMPLAINTS AND APPEALS PROCEDURE**

### **4.1 Stage 1: Resolving Grievances**

If a person feels dissatisfied with some aspect of the AHSR/ASMI's service, s/he is encouraged to first speak to the person responsible directly. For example: if the grievance concerns a classroom matter, the person should talk honestly to the trainer about his/her concerns.

If the person has attempted to resolve matters directly, but is not satisfied with the outcome, then s/he may choose to discuss it with the DTC.

The DTC (or delegated officer) shall make contact (if unavailable at first attempt) within 5 business days to discuss the grievance, if a meeting is required, the Director (or delegated officer) shall arrange a consultation within 10 business days.

AHSR/ASMI encourages people who require third party support to be accompanied or assisted by a support person of their choosing during the meeting. The DTC (or delegated officer) shall ensure the meeting is held with an impartial view, and that the grievance will be treated fairly and objectively.

Confidentiality shall be strictly observed by all participants in accordance with the Privacy and Personal Information Procedures.

The DTC (or delegated officer) shall consider the grievance, and make a determination whether:

- a. the grievance should be lodged formally (refer stage 2) due to its nature (if so the matter should be actioned/resolved according to those requirements)
- b. the matter is resolved and all parties are satisfied with the outcome (the outcome shall be provided to the person in writing within 2 business days of the meeting)
- c. further discussions are required (i.e. if he/she determines a meeting between all involved parties would be beneficial to reduce any ill feelings)

Where further discussions are required the DTC (or delegated officer) shall make suitable arrangements to enable all parties time to present their case and an outcome to be achieved. The DTC (or delegated officer) is responsible for ensuring a suitably qualified person is present to mediate the conversation.

The DTC (or delegated officer) shall provide all parties with a brief written report detailing the outcome.

If the person is still not satisfied with the outcome, s/he shall be advised of the formal complaints process (refer stage 2).

### **4.2 Stage 2: Lodging a Formal Complaint**

To commence the formal process, the complainant must write a letter and direct it to the DTC.

The following information shall be included in the lodgment:

- a. personal details of the complainant, including contact details;
- b. details of the complaint;
- c. supporting information that the complainant wishes to have considered;
- d. an explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory; and
- e. what the complainant thinks needs to be done to address his/her concerns

The DTC shall commence the process of considering the complaint within ten (10) days of receiving the letter, and will acknowledge receipt of the complaint in writing to the complainant. The DTC shall ensure all steps are taken to resolve the complaint as soon as reasonably practical.

In considering the complaint, the DTC shall arrange a meeting with the complainant to enable formal presentation of the case. The complainant may be accompanied or assisted by a support person at any such meeting.

The complaint will be investigated by the DTC who shall discuss the issues with the person(s) concerned (if applicable), and/or investigate extenuating circumstances and confer with the relevant staff. If the DTC considers that the complaint is upheld, then s/he shall immediately notify relevant staff to implement the actions required to resolve the complaint. The complainant will be provided with a written report of the steps taken to address the complaint within ten (10) working days of the commencement of the complaint process.

If the complaint is not upheld, the complainant shall be given a written explanation detailing the reasons for the decision. The complainant shall also be advised of his/her right to access the internal appeals process if not satisfied with the outcome of the formal complaint.

A written record of the complaint and its outcome shall be retained for a minimum of five (5) years after last date of action.

### **4.3 Stage 3: Lodging an Internal Appeal**

If a person is dissatisfied with a decision made by AHSR/ASMI, s/he has ten (10) working days from the date nominated in the written notification by AHSR/ASMI in which to lodge an Internal Appeal to have the case reviewed at no cost to the person. This includes decisions relating to the outcomes of complaints and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, refusal to provide a Letter of Release, and/or pending cancellation of enrolment by AHSR/ASMI.

Appeals should be lodged in writing to the Chief Executive Officer (CEO).

The appeal shall be considered by the CEO, who shall make a determination based on the information provided to:

- a. establish an Internal Case Review Panel; or
- b. that there are insufficient grounds to take further action, thus concluding the consideration of the matter under the internal appeals procedure.

Where there are insufficient grounds, the appellant shall be provided a written explanation detailing the outcome and the reasons for the decision.

Where the decision is for an Internal Case Review Panel, the appellant shall be informed of the membership of the panel, and the procedure to be followed, at least ten (10) working days in advance of the review date.

The Internal Case Review Panel shall consist of the Chief Executive Officer or his/her nominee (Chair), a Teacher representative (for a VET course of study other than the one in which the appellant is enrolled) or his/her nominee, and another senior member of AHSR/ASMI staff (who is not one of the appellant's teachers). The Chair shall ensure the review is conducted impartially, fairly and objectively, that all relevant facts are taken into consideration and confidentiality is strictly observed by all participants in accordance with the Privacy and Personal Information Procedures.

The appellant may attend and be accompanied by a friend or representative who may speak and/or act on his/her behalf, including the provision of evidence. If the appeal involves another person(s), they shall also be invited to present their case to the panel. A written record of the meeting shall be taken and retained for a minimum of five (5) years after last date of action.

The appellant will be notified of the decision of the Internal Case Review Panel in writing within five (5) working days of the decision. If the appeal is upheld s/he will be informed of any action(s) to be taken to resolve the matter. AHSR/ASMI shall immediately implement any decision(s) and/or action(s) required.

If the appeal is not upheld, the appellant shall be provided a written explanation including the reason(s) for the decision, and advised of his/her right to access the external appeals process (refer stage 4) if not satisfied with the outcome of the Internal Appeal.

#### **4.4 Stage 4: External Case Review**

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection Laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

##### **4.4.1 Students enrolled in courses that are not VET FEE-HELP eligible**

In the event of the appellant remaining dissatisfied with the result or conduct of AHSR/ASMI internal procedures for handling of a complaint/appeal, s/he has the right to access an external appeals process at minimal cost. The appellant shall lodge an external appeal within ten (10) working days from the date nominated in the written outcome of the Internal Appeal process, unless special circumstances apply. AHSR/ASMI shall provide a list of independent providers.

If the External Case Review process supports the appellant, AHSR/ASMI shall immediately implement any recommendations, and advise the complainant/appealant in writing of the rectifications. Where appropriate, these recommendations shall be incorporated into AHSR/ASMI policies and procedures for immediate distribution and implementation ensuring the continuous improvement of service and quality education to students.

If the appeal is not upheld, the complainant will be given a detailed written explanation by the external reviewer. It will include the reason(s) for that decision.

##### **4.4.2 VET FEE-HELP Students**

If an appellant who is, or would be, entitled to VET FEE-HELP assistance is not satisfied with a decision made by AHSR/ASMI Internal Case Review Panel, s/he may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision.

Such appellants may have to pay an application fee; dependent on the circumstances. The application cannot proceed until the application fee has either been paid or waived. The application fee is refunded when the review is completed if the AAT makes a determination in the appellant's favour. For the purposes of providing a guide, the full application fee as of the 2<sup>nd</sup> of January 2015 is \$861.00.

Further information about the AAT, including the required application forms and current costs, can be obtained from their website at: [aat.gov.au/AboutTheAAT/IntroductionToTheAAT.htm](http://aat.gov.au/AboutTheAAT/IntroductionToTheAAT.htm).

## LOCATION AND CONTACT DETAILS OF THE AAT OFFICES

### Queensland

#### Street Address

Level 4, Harry Gibbs Building  
Commonwealth Law Courts  
119 North Quay  
Brisbane QLD 4000

#### DX Address

DX 253 Brisbane

**Telephone:** (07) 3361 3000 (metropolitan area)  
1300 366 700 (country areas)

#### Postal Address

Administrative Appeals Tribunal  
GPO Box 9955  
Brisbane QLD 4001

**Fax:** (07) 3361 3001

**Email:** [Brisbane.Registry@aat.gov.au](mailto:Brisbane.Registry@aat.gov.au)

### New South Wales

#### Street Address

Level 7, City Centre Tower  
55 Market Street  
Sydney NSW 2000

#### DX Address

DX 10200 Sydney Stock Exchange

**Telephone:** (02) 9391 2400 (metropolitan area)  
1300 366 700 (country areas)

#### Postal Address

Administrative Appeals Tribunal  
GPO Box 9955  
Sydney NSW 2001

**Fax:** (02) 9283 4881

#### 4.4.3 International Students

An overseas student who wishes to lodge an external appeal or complaint about a decision made by AHSR/ASMI or is seeking assistance to resolve a dispute with a registered provider, should first exhaust AHSR/ASMI's internal dispute resolution process.

If not satisfied with this process, s/he should contact the Overseas Student Ombudsman or access dispute resolution services through local courts (these are free and independent services):

#### Overseas Students Ombudsman:

Website: [oso.gov.au](http://oso.gov.au)

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

**Telephone:** +61 2 6276 0111 or 1300 362 072

#### Sydney

Level 7, North Wing Sydney Central,  
477 Pitt Street  
SYDNEY NSW 2000

#### Brisbane

Level 17, 53 Albert Street  
BRISBANE QLD 4000

## Dispute Resolution Services:

### Sydney

The Kogarah Court is located at:  
17 Montgomery Street  
KOGARAH NSW 2217

Telephone: 1300 679 272

### Brisbane

Brisbane Magistrates Court Brisbane  
Level 1, 363 George Street  
BRISBANE QLD 4000

Telephone: 1800 017 288

## 5 APPEALS AGAINST CANCELLATION OF ENROLMENT

AHSR/ASMI will maintain the students (domestic and international) enrolment while the internal and/or external complaints and appeals processes are ongoing.

### 5.1 International Students

The reporting of an international student has serious consequences for the student's visa, it may result in its automatic cancellation. Therefore, if the appeal is against AHSR/ASMI decision to report the student for:

- a. unsatisfactory academic progress, or
- b. unsatisfactory attendance,

AHSR/ASMI will not report the student until the External Case Review process is complete, and findings have supported AHSR/ASMI decision.

If the appeal is against AHSR/ASMI decision to:

- a. defer or suspend a student's enrolment due to misbehaviour, or
- b. to cancel the student's enrollment due to misbehaviour,

AHSR/ASMI will only wait for the outcome of the internal appeals process to ensure it supports AHSR/ASMI, before notifying the Department of Education and Training (DET) of the change to the student's enrolment status.

Once DET has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- a. leave Australia; or
- b. show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment; or
- c. provide DIBP with evidence that he or she has accessed an external appeals process.

## 6 MONITORING

Without breaching confidentiality, all formal complaints and their associated responses and outcomes will be monitored by AHSR/ASMI.

## 7 RECORD KEEPING AND CONFIDENTIALITY

Records of all grievances, complaints and appeals handled under this policy and procedure and their outcomes will be maintained for a period of at least five (5) years after last date of action to allow all parties appropriate access to these records (upon written request). This includes

copies of all related documentation, including email correspondence, written reports, and notes taken of meetings and/or phone calls.

Records shall be maintained at Head Office.

Version	Details	Date
1.0	Initial document creation	13 March 2015
2.0	Merged with Grievances procedure	14 May 2015
3.0	Updated to meet legislative requirements	27 May 2015