

P06 – Complaints and Appeals Policy and Procedure



Current Version: 3.2
Approval Date: 20th FEBRUARY 2020
Future Review Date: 20th FEBRUARY 2021
Author: Manager of Compliance and Administrative Services
Approval Authority: Director of Operations

Purpose

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

Australian Skills Management (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. ASMI aims to:

- i) 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 ASMI to prevent complaints from recurring
- ii) ensure that any complaints are resolved promptly, objectively and with sensitivity and in complete confidentiality
- iii) ensure that there is a consistent response to complaints

Scope

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

Definitions

Term	Definition
Appellant	the person lodging the appeal, regardless of whether the person is a citizen, permanent resident, on a visa or if they are studying a domestic or international program
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 ASMI, which is brought to attention in an informal way, i.e. it is spoken about, not written down
Complaint	a formal complaint takes place if a grievance cannot be resolved informally and is written down for official processing. A complaint can be defined as a person's expression of dissatisfaction with any aspect of ASMI's services and activities. A complaint may be an expression of dissatisfaction with: <ul style="list-style-type: none">i) 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; andii) 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
Complainant	the person lodging the grievance or complaint, regardless of whether the person is a citizen, permanent resident, on a visa or if they are studying a domestic or international program
Assessment Appeal	neither a grievance nor a complaint, it is about dissatisfaction in relation to an assessment process or outcome
Appeal	if a person is dissatisfied with a decision made, they have 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

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 internal and/or external complaints and appeals processes, the student's enrolment will be maintained for the duration of the process.

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

- i) the complainant and the respondent will not be victimised or discriminated against;
- ii) 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;
- iii) detailed written explanations are provided of decisions and actions taken as part of the process; and
- iv) where the process results in a decision that supports the complainant, 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 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.

Stage 1: Resolving Grievances

If a person feels dissatisfied with some aspect of the ASMI's service, they are 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 their concerns.

If the person has attempted to resolve matters directly, but is not satisfied with the outcome, they may choose to discuss it with the delegated officer.

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

ASMI encourages people who require third party support to be accompanied or assisted by a support person of their choosing during the meeting. The 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 Policy and Procedure.

The delegated officer shall consider the grievance, and make a determination whether:

- i) 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)
- ii) 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)
- iii) further discussions are required (i.e. if they determine a meeting between all involved parties would be beneficial to reduce any ill feelings)

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

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

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

Stage 2: Lodging a Formal Complaint

To commence the formal process, the complainant must write a letter and direct it to the Director of Operations. The following information shall be included in the lodgment:

- i) including contact details of the complainant (if response is required)
- ii) details of the complaint
- iii) supporting information that the complainant wishes to have considered
- iv) an explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory
- v) what the complainant thinks needs to be done to address their concerns

The Director of Operations 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 Director of Operations shall ensure all steps are taken to resolve the complaint as soon as reasonably practical.

In considering the complaint, the Director of Operations 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 Director of Operations 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 Director of Operations considers that the complaint is upheld, then they 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 their 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.

Stage 3: Lodging an Internal Appeal

If a person is dissatisfied with a decision made by ASMI, they have ten (10) working days from the date nominated in the written notification 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 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:

- i) establish an internal case review panel; or
- ii) 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 CEO or their nominee (Chair), a Teacher representative (for a VET course of study other than the one in which the appellant is enrolled) or their nominee, and another senior member of ASMI (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 Policy and Procedure.

The appellant may attend and be accompanied by a friend or representative who may speak and/or act on their 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 they will be informed of any action(s) to be taken to resolve the matter. 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 their right to access the external appeals process (refer stage 4) if not satisfied with the outcome.

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.

1. Domestic Students

In the event of the appellant remaining dissatisfied with the result or conduct of ASMI internal procedures for handling of a complaint/appeal, they have 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 appeals process, unless special circumstances apply. ASMI shall provide a list of independent providers.

If the external case review process supports the appellant, ASMI shall immediately implement any recommendations, and advise the complainant/appeellant in writing of the rectifications. Where appropriate, these recommendations shall be incorporated into 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.

2. International Students

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

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

Overseas Students Ombudsman website: <http://www.ombudsman.gov.au/about/overseas-students>

New South Wales Ombudsman
Level 24
580 George Street
Sydney NSW 2000

Telephone: 02 9286 1000
www.ombo.nsw.gov.au
Queensland Ombudsman

Level 18
53 Albert Street
Brisbane QLD 4000

Telephone: 07 3005 7000
1800 068 908
www.ombudsman.qld.gov.au

Appeals Against Cancellation of an International Student Enrolment

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 ASMI's decision to report the student for:

- i) unsatisfactory academic progress, or
- ii) unsatisfactory attendance,

ASMI will not report the student until the external case review process is complete, and findings have supported ASMI's decision.

If the appeal is against ASMI's decision to:

- i) defer or suspend a student's enrolment due to misbehaviour, or
- ii) to cancel the student's enrolment due to misbehaviour

ASMI will only wait for the outcome of the internal appeals process to ensure it supports ASMI's initial determination, before notifying the Department of Home Affairs of the change to the student's enrolment status. Once notification of a deferment, suspension or cancellation has been submitted, the student has 28 days in which to:

- i) leave Australia; or
- ii) provide a new Confirmation of Enrolment; or
- iii) provide with evidence that they have accessed an external appeals process.

Record Keeping

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

Records of all grievances, complaints and appeals handled under this policy and procedure shall be maintained at Head Office and their outcomes retained 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.

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 ASMI website. All parties shall be advised the CEO, Director of Operations or delegated officer can be contacted, by phone 07 3010 9367 or via email at admin@asmitraining.edu.au.

Related Documents

Policy and Procedures	
P08	Privacy Policy and Procedure

Document Amendments

Details	Version	Date
Initial document creation	1.0	13 th March 2015
Merged with Grievances procedure	2.0	14 th May 2015
Updated to meet legislative requirements	3.0	27 th May 2015
Procedure review and update to conform to new template	3.1	18 th May 2018

