

## ESOS.9.8.01 Complaints and Appeals (Grievances)

### Operating Policy and Procedures

#### 1. Policy

The organisation provides a complaints and appeals (grievance) process that is transparent, fair and equitable.

#### 2. Purpose

To provide a complaints and appeals process that is independent, inexpensive and immediately accessible for the parties involved.

#### 3. Responsibility

The College Director is responsible for compliance with this policy.

#### 4. Guidelines

National Code Standard 8; AQTF Standard 2.6

The terms "grievance" and "complaints" and "appeals" are used interchangeably to ensure the spirit and intent of the National Code and higher education protocols are captured.

The International Student Support Officer will ensure that all international students are provided with the NCPS Complaints & Appeals Policy before a contract about the student is entered into or an amount is paid for a registered course, whichever happens first within (7) days after the student starts attending their selected course of study

Students may access the internal appeals process at no cost.

If a student requests an external review through the Australian Council for Private Education and Training (ACPET) there is a fee of AUD\$400. This fee is shared equally between the student and NCPS. If the appeal is successful AUD\$100 will be refunded to the student.

Students concerned about the conducted of NCPS can contact their State Regulatory Authority. The State Regulatory Authority has the ability to suspend or cancel NCPS' registration if the College has breached registration requirements. State Regulatory Authority contact details are available on *Client Complaint Fact Sheet* (ND155)

This policy does not limit the student's right to take further action under Australia's consumer protection laws nor does it circumscribe a student's right to pursue other legal remedies.

#### **Definitions**

"advocate" means person who accompanies and assists a student at any relevant meetings. The advocate may be a friend, family member, student representative. Staff, whether academic or administrative will not act as advocates.

"appeal" means an action taken by a client who is dissatisfied with the outcome of a complaint – appeals can proceed internally to the GM/Program Director and then externally to the Australian Council for Private Education and Training ("ACPET").

"complaint" means any act or omission that a student or prospective student (meaning a person seeking to enroll in a course) believes to be unfair or discriminatory and relates to any College activity. It can include grievances related to academic and non-academic matters such as:

- Content or structure of academic programs;
- Nature of teaching or assessment;
- Assessment and marking matters (excluding grading reviews);

- Selection or admission decisions;
- Delivery of a course or whole program;
- Alleged action by a staff member or another student that, in the aggrieved student's opinion, is prejudicial to his/her welfare as a student;
- Administrative action or inaction, policy, procedure or decision;
- Access to College facilities or resources; or
- Allegations of harassment, bullying, discrimination, breach of College rules, unethical practices or criminal behaviour.

"Formal" complaint means a complaint that cannot be resolved informally or is considered serious and therefore needs to be addressed formally. For example, misconduct by a staff member, possible crime or regulatory offence, discriminatory behaviour (staff or student), or similar.

"Informal" complaint means a minor concern that could be effectively resolved without the need to make the matter a formal complaint. For example, alleged misinterpretation of policy by staff member, inappropriate penalty for late submission of assignment, library fine for late or failing to return text, or similar.

"Investigation" means an inquiry into a complaint by a suitably trained person (manager or if external appointment a licensed investigator) who will:

- Commence a file and document all actions relating to the matter;
- Consider all material relating to the grievance;
- Act fairly and impartially taking into account rules of natural justice and equity principles;
- Interview such parties as are relevant to the complaint;
- Inform him or herself as to any material facts by reference to authorities such as precedents; and
- Determine a resolution to the complaint by making recommendations including any remedies to be applied.

The division head may endorse the findings and recommendations made by the investigator in the formal procedure or determine an alternative resolution. Such alternative must be documented where the division head does not endorse the investigator's findings or recommendations.

#### *Third Parties*

A complainant may be assisted by a third party such as a family member, counselor or other professional support person however; a third party is not two or more persons acting at the same time. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the student has the right to access the external appeals process at minimum cost.

#### *Legal Representation*

Legal representation is permitted however costs must be borne by the party engaging such representation. Costs are not relevant to an outcome of any complaint or appeal.

#### *Judicial Notice*

The complaint and appeal process/investigation does not have to strictly follow rules of evidence and can take notice of any information considered relevant. Where possible the principles relating to natural justice will be followed.

#### *Flow Chart*

A flow chart is attached to this document that provides a visual explanation of the steps and priorities applicable to this policy.

A *Client Complaint Fact Sheet* (ND155) has been developed for the information of students. It has been posted on NCPS website.

### *Complaint Form*

A *Client Complaint Form* (NF166) has been developed for the information of students. It has been posted on the NCPS website.

### **Principles**

Any complaint will be handled fairly, recognising the rights of both the person making the complaint and the College or person against whom the complaint is being made. All parties concerned will be treated with courtesy and appropriate confidentiality will be maintained.

In the interests of providing the most effective and timely means to address concerns most complaints should be dealt with as close to the source as possible and involve the people most directly concerned unless the complaint is about a person concerned.

The College will respond to complaints in a timely manner and ensure the client is kept informed of progress in the resolution of the complaint and of any undue delay. In any event, the process:

1. Must commence within 10 working days of the formal lodgement of the complaint;
2. Standard complaints should be resolved within 20 working days; and
3. Complex complaints may take longer to resolve albeit a target of 40 working days applies.

The College will be transparent and accountable in relation to client complaints by ensuring information about the procedure is widely available and by informing stakeholders about feedback received and actions taken to improve services resulting from analysis of feedback.

At any point a complaint may be withdrawn by the complainant.

The College will ensure appropriate training for staff involved in the complaints management process. This will be provided during staff orientation, as part of the organisation's professional development strategy for its staff and at least during an annual refresher session.

If the internal or any external complaint handling process results in a decision that support the student, NCPS will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome. The College will collect data and maintain records of complaints received and their outcomes. These will be analysed by Management as a standard agenda item at Management Review Meetings and also assessed annually as part of the College's continuous improvement strategy.

All documentation relating to student complaints will be forwarded to the Quality Assurance Officer to be registered within the College *Complaints Register* and filed appropriately.

Where a student chooses to access the complaints and appeals processes the student's enrolment must be maintained pending the outcome. However, if the complaint is vexatious or trivial the division head or GM/Program Director can intervene and refuse to proceed further.

Where any complaint handling or appeal process results in a decision that supports the student, the College must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

This policy and procedure is available to all academic staff in the Teaching Staff Handbook and to administrative staff on the NCPS intranet, and all staff are trained in the application of the policy and procedures. This policy and procedure will also be made available to all prospective and enrolled students on the NCPS website and addressed during any orientation program.

Details of all complaints and appeals (grievances), whether informal or formal, and whether academic or non-academic matters, are recorded and stored in the *Complaints Register* in

the College Director's office, and in the student's file(s). These records will be treated as confidential, retained for five years and parties to the grievance process can have appropriate supervised access to these records.

### **5.1 Procedure – 'Informal' complaint management**

- 5.1.1 Complaint is received orally or in writing – note complaint's name, course attending, contact details and brief details of the complaint;
- 5.1.2 Staff member must direct complainant to NCPS website and if oral complaint request complaint to be made in writing (if the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved);
- 5.1.3 Complete and circulate SER – commence file using the Complaint File Cover Sheet (NF162)
- 5.1.4 Staff member makes entry in the *Complaints Register*;
- 5.1.5 Staff member personally discusses the complaint with the division head who will determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'informal')
- 5.1.6 Staff member should take such action as discussed with division head in an attempt to resolve the complaint;
- 5.1.7 Once an apparent resolution is reached, the staff member prepares a draft letter (NT168) and submits to division head for approval;
- 5.1.8 The division head will review contents of the draft letter and if a possible HR issue raise it with the HR Manager before proceeding any further. If no possible HR issue or once the HR issue is resolved, the division head can then proceed with content of the letter;
- 5.1.9 Once finalized, the complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be shown as a cc on the letter). The letter invites the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied the complaints becomes a formal complaint);
- 5.1.10 Where the complainant indicates he/she is satisfied with the outcome, the relevant files must be updated i.e. Complaint File Cover Sheet, *Complaints Register*, student file and, if relevant, staff file(s);
- 5.1.11 The complaint file must be stored and retained for 5 years.

### **5.2 Procedure – 'Formal' complaint management**

- 5.2.1 Complaint is received orally or in writing – note complaint's name, course attending, contact details and brief details of the complaint;
- 5.2.2 Staff member must direct complainant to NCPS website and if oral complaint request complaint to be made in writing (if the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved);
- 5.2.3 Complete and circulate SER – commence file using the Complaint File Cover Sheet (NF162)
- 5.2.4 Staff member makes entry in the *Complaints Register*;
- 5.2.5 Staff member personally discusses the complaint with the division head who will determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'formal');
- 5.2.6 Head of division forwards client with written acknowledgement of complaint (NT166)
- 5.2.7 Head of division investigates and liaises with relevant staff (also HR if staff conduct involved) to resolve the complaint – during this process client must be provided with opportunity to present his/her case;
- 5.2.8 Once an apparent resolution is reached, the division head prepares a draft letter (NT168) and submits to College Director for approval;
- 5.2.9 Once approved, the complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be shown as a

cc on the letter). The letter invites the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied the complainant is about to seek external review organised by ACPET);

5.2.10 Where the complainant indicates he/she is satisfied with the outcome, the relevant files must be updated i.e. Complaint File Cover Sheet, *Complaints Register*, student file and, if relevant, staff file(s);

5.2.11 The complaint file must be stored and retained for 5 years.

### 5.3 Procedure – Request for external review by ACPET

5.3.1 Update file including the Complaint File Cover Sheet (NF162)

5.3.2 Update the *Complaints Register*;

5.3.3 Personally discuss with College Director;

5.3.4 Advise student that a request for external review has to be lodged through ACPET;

5.3.5 If an appeal has been lodged by the student, NCPS will receive a letter of acknowledgement via email advising of the deadline to provide supporting documentation;

5.3.6 ACPET will advise both parties of the external reviewer's decision;

5.3.7 Update file as required i.e. Complaint File Cover Sheet, *Complaints Register*, student file and, if relevant, staff file(s); and

5.3.8 The complaint file must be stored and retained for 5 years.

## 6 Authority

Authorised by the General Manager (Public Safety)

## 7 Approved

Approved by the Higher Education Board on 4 June 2009

## 8. Amendments

Date	Modified by	Sections amended/added	Approved by HEB (if required)
30/07/09	Jodie Reeve	Format changes	Minor change
27/11/09	Jodie Reeve	Change of name, logo and amended document references in policy & flow chart	Minor change
12/03/10	Jodie Reeve	Inclusion of no cost for accessing internal process and fees relating to external appeals in guideline section	Minor change
16/03/10	Jodie Reeve	Inclusion of the following in guideline section: <ul style="list-style-type: none"> <li>• Provision of policy to new students</li> <li>• Students ability to contact the State Regulatory Authority if unhappy with the provider</li> <li>• The policy does not prevent students from exercising their rights to pursue other legal remedies</li> </ul>	Minor change

## Complaints Flow Chart

