

## 4.6.02 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 for academic and non-academic matters for current students and/or those seeking to enrol.

2. **Purpose**

To provide an independent, timely appeals process which is accessible to all enrolled students and persons seeking to enrol, including all students who are, or would be, entitled to VET FEE HELP assistance and staff of the Navitas College of Public Safety (NCPS).

3 **Responsibility**

The College Director is responsible for compliance with this policy and is supported by the management team.

4. **Guidelines**

National Code Standard 8; AQTF Standard 2.6, VET Provider Guidelines (Chapter 6)

#### **Definitions**

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.

"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 or breach of College rules, unethical practices or criminal behaviour.

"Appeal" means an action taken by a client who is dissatisfied with the outcome of a complaint

"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.

"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.

"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.

“Independent” staff is a member of staff not involved with the compliant or complainant and is delegated by the Grievance Committee to investigate a complaint (if required).

“Investigation” means an inquiry into a complaint by an independent staff member 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, in consultation with the Academic Council, 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. Advocate may also be referred to as a third party.

#### *Legal Representation*

The costs of legal representation 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 stages of the complaints process.

A *Client Complaint Fact Sheet* (ND155) has been developed for the information of students. It has been posted on the 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 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 at no time will be discriminated or victimised. Appropriate confidentiality will be maintained throughout the process.

Students who are, or would be entitled to VET FEE-HELP assistance are entitled to access the NCPS complaints process regardless of the location of campus at which the grievance/complaint has arisen, the student’s or person’s place of residence or mode in which they study.

There is no charge to the student for accessing the internal appeals process at NCPS.

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.

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

## 5. Procedure

### Stage 1 Informal Complaint Process

1. Complaint is made to NCPS staff member;
2. Training Manager or College Director contacts complainant within **5 working days** of receiving complaint;
3. If the matter is resolved written acknowledgement is sought from both parties;
4. If the matter is unresolved an internal investigation of complaint will be initiated by Dean of Studies;
5. The outcome of the investigation will either be a resolution of the complaint or initiation of formal complaint process;
6. The complainant and staff member are provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **10 working days**; and
7. The complainant can initiate the formal complaint process independent of this investigation.

### Stage 2 Formal Complaint Process

1. Written complaint is submitted to Training Manager or College Director;
2. Written acknowledgement is sent to complainant within **5 working days** of receiving complaint;
3. An independent member of staff investigates the complaint and liaises with all parties involved;
4. The complainant and staff member are provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **10 working days**;
5. If the matter is resolved written acknowledgement is sought from both parties;
6. If the matter is unresolved academic matters will be referred to the Academic Council and non-academic matters will be referred to the Grievance Committee for review;
7. The complainant is provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **15 working days**;
8. The complainant can seek an external review independent of the review by the Academic Council and Grievance Committee.
9. If the matter is resolved written acknowledgement is sought from both parties;
10. If the matter remains unresolved the complainant can seek an external review; and

### Stage 3 External Review Process

*(Please note that the timeframes for the external reviews are determined by the external body. Refer to the websites listed below for further information.)*

If the student is not satisfied with the results of the informal and/or formal processes they can take their case to any of the following external bodies:

#### ***Australian Council for Private Education and Training (ACPET)***

International students may request an external review through ACPET. The total cost per appeal is AUD\$400. This fee is shared equally between the student and NCPS. If the student's appeal is successful they will be refunded AUD\$100.

An independent panel will be assigned to review your file and make decisions regarding the complaint.

Further information is available at [www.acpet.edu.au](http://www.acpet.edu.au)

#### ***Administrative Appeals Tribunal***

Students who have a complaint relating to VET FEE-HELP can apply for a review with the Administrative Appeals Tribunal in their state.

An application fee of \$777 may be required as part of the appeals process. Further information is available on [www.aat.gov.au](http://www.aat.gov.au)

### **State Regulatory Authorities**

Students concerned about the conduct 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.

<u>VIC</u>	<u>Sector</u>	<u>Contact Details</u>
NARA	VET & VET CRICOS	1300 00 6272
VRQA	Higher Education & Higher Education CRICOS	03 9651 3215
<u>NSW</u>		
VETAB	VET & VET CRICOS	02 9244 5335
Higher Education Directorate	Higher Education & Higher Education CRICOS	02 9561 8656
<u>QLD</u>		
NARA	VET	1300 00 6272
Dept of Education & Training	VET & Higher Education CRICOS	07 3225 2442
Office of Higher Education	Higher Education	07 3237 0390

### **Outcomes**

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.

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

The Strategic Planning and Quality Unit will maintain records of complaints received and their outcomes. These will be analysed by the College's internal governance as a standard agenda item as part of the College's continuous improvement strategy.

### **Policy Dissemination and Staff Training**

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 during a regular refresher session.

The policy and procedure is available to all academic staff in the Teaching Staff Handbook and to administrative staff on the NCPS QA system. 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

### **Record keeping and Confidentiality**

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

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 Strategic Planning and Quality Unit 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.

6 **Authority**

Authorised by the General Manager/Program Director

7 **Approval**

Approved by NCPS Board

8 **Review Date - 15 June 2011**

**Amendments**

Date	Modified by	Sections amended/added	Approved by MR (if required)
18.06.09	Jodie Reeve	Inclusion of VET FEE HELP and clarification of external appeals process.	19.06.09
15.09.09	Jodie Reeve	Inclusion of reference to VET Provider Guidelines (Chapter 6) and the following statement - "There is no charge to the student for accessing the internal appeals process at NCPS." Both added to Guidelines section.	25.09.09
04.01.10	Jodie Reeve	Change of name & logo. Included references to "person seeking to enrol" in sections 4, 5.1.1 and 5.2.1 References to supporting documents updated	04.01.10
06.04.10	Jodie Reeve	<ul style="list-style-type: none"> <li>Re-structure of the policy to include detailed information on the stages of appeal and the external review bodies.</li> <li>Removal of the administrative procedures which are now a new stand alone procedure for staff.</li> <li>Revised flow chart</li> </ul>	29.04.10
08.07.10	Jodie Reeve	<ul style="list-style-type: none"> <li>Updated external review processes</li> </ul>	08.07.10
27.07.10	Jodie Reeve	Change FEE-HELP to VET FEE-HELP in procedure section	27.07.10
03.09.10	Jodie Reeve	NCPS Management changed to NCPS Board	03.09.10
13.04.11	Lacie Guo	Application Fee for lodging an appeal relating to VET FEE-HELP has been increased.	18.03.11 (per VFH email)

## Informal & Formal Complaint Processes

