

Complaints, Academic and Non-academic Appeals Policy

'Careers Australia Group (CAG)' refers to Careers Australia College of Healthcare, Careers Australia Institute of English, Careers Australia Education Institute and Careers Australia Institute of Training. References to VET FEE HELP apply to current students of and persons seeking to enrol with Careers Australia Institute of Training Pty Ltd and Careers Australia College of Healthcare Pty Ltd only.

Careers Australia Group seeks to continuously provide a high quality education and training service in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes. The procedures aim to avoid blame and undue investigation.

This policy is designed to cover all complainants including:

- Individuals who are, or would be, entitled to VET FEE-HELP assistance (Australian citizens or permanent humanitarian visa holders who are resident in Australia for the duration of a VET unit of study);
- Individuals who are not eligible for VET FEE-HELP assistance (permanent residents who are not permanent humanitarian visa holders and New Zealand citizens);
- Individuals who are classified as international students as defined by the *Education Services for Overseas Students Act 2000* (who are not eligible for VET FEE-HELP assistance).
- Individuals who are classified as Trainees under a contract of training (who are not eligible for VET FEE HELP assistance).

In relation to non-academic grievances, the term "complainant" applies to both current students of Careers Australia and persons seeking to enrol who are or would be entitled to VET Fee Help with Careers Australia.

These grievance procedures will be made available to complainants regardless of the location of the campus at which the grievance has arisen, the mode in which they study or their place of residence.

Trainees under a contract of training should seek advice from the relevant government department in their State about their rights and responsibilities.

This policy also applies to Industry representatives and CAG staff.

Complainants can choose to utilise resources outside Careers Australia Group to resolve their complaint. Complaints managed by CAG are not charged however, if an external mediation service is required this service will be charged. See External Mediation Services.

A complaint can be defined as a student's expression of dissatisfaction with any aspect of Careers Australia services and activities, such as:

- the enrolment, induction/orientation process;
- the quality of education provided;
- academic matters, including student progress, assessment, curriculum and awards in a course of study;
- handling of personal information and access to personal records;
- the way someone has been treated.

In handling a complaint, whether formal or informal, confidentiality will be maintained to:

- Protect all parties involved in a complaint under the principles of natural justice
- Involve the minimum number of people possible

All students and staff are to be informed of the complaint resolution procedures. The focus for resolution will be on issues rather than individuals. Students and staff are to be protected from victimisation. Natural justice principles will be used to ensure procedural fairness.

A complainant has the right to withdraw the complaint at any stage.

Where a complainant is a current student, their enrolment must be maintained while the complaints and appeals process is ongoing.

Process

There are two types of complaint: Informal and Formal. Students, Industry Representatives and Staff may choose either process. Specific procedures for Staff, Industry and Student complaints resolution should be referred to as each circumstance indicates.

During all stages of this procedure Careers Australia will take all steps to ensure that:

- the complainant and any respondent will not be victimised or discriminated against;
- the complainant has an opportunity to formally present their case and each party to the grievance may be accompanied and assisted by a support person at any relevant meetings;
- a full explanation in writing for decisions and actions taken as part of the process will be provided if so requested by the complainant or a respondent;
- where the internal or external grievance handling or appeal process results in a decision that supports the complainant, Careers Australia will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome;
- there is no cost to the complainant during the internal stages of this complaints procedure. International students must pay a \$200 lodgement fee to ACPET to lodge an external appeal.

Informal complaint

A complaint is considered to be informal when it is made verbally. It is also considered to be informal when it is made in writing and addressed to the person against whom the complaint is being made unless a signed copy of that letter is also sent to the General Manager of Careers Australia Group. An informal complaint will be referred to an appropriate person to assist the effective and rapid resolution. Resolution of a complaint is to be achieved as quickly as possible, at the local level and with a minimum number of people involved.

The complaints process will commence within 10 days of the receipt of the complaint.

Formal complaint

Complainants may make a formal complaint by forwarding a signed written complaint to the General Manager of Careers Australia Group within three months of the incident.

All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities and the complaint will be forwarded to the most appropriate person (as determined by the General Manager) to assist the effective and rapid resolution of any complaint.

At all times, parties to the complaint may be accompanied by an advocate of their choosing, except where that advocate is a legal practitioner. Each party will have opportunity to formally present their case should they wish to do so.

The complaints process will commence within 10 days of the receipt of the written complaint. The General Manager will forward the complaint to the most appropriate person who will be known as the Nominee to assist the effective and rapid resolution of the complaint. The Nominee, will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve.

The Nominee will then endeavour to resolve the complaint and provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision, within ten working days.

The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal complaint.

Academic appeals

All students have the right to make an academic appeal. Where a student is dissatisfied with the assessment of an assignment and/or an examination result, the student should discuss this informally in the first instance with their Educator. At all times, parties to the appeal may be accompanied by an advocate of their choosing, except where that advocate is a legal practitioner.

Where a student is dissatisfied with the assessment of practical work and/or vocational placement assessments performed in the workplace, the student should discuss this informally in the first instance with their workplace mentor/supervisor. If the student remains dissatisfied, the issue should be discussed informally with their Educator.

If the issue cannot be resolved informally, a student may submit a formal academic appeal in writing to the relevant Head of School or Operations Manager within twenty (20) working days of receiving the reviewed academic result. The appeal must outline why the student has requested a formal review of the result. The student will be advised in writing that the appeal has been received and investigation of the appeal will commence within ten (10) working day of the appeal being lodged.

The relevant Head of School or Operations Manager will seek to resolve a formal academic appeal through the appointment of an independent and impartial educator to conduct an investigation and make a recommendation.

The relevant Head of School or Operations Manager will make the final decision on all formal academic appeals.

All parties involved in any formal academic appeal will be advised in writing of the outcome and the reasons for the decision reached within twenty (20) working days of the date of the appeal. Any academic appeal will be completed within twenty (20) working days of the date of lodgment of the appeal.

If a student's formal academic appeal is successful the academic result will be amended.

A student whose formal academic appeal is not upheld by the relevant Head of School or Operations Manager will be advised in writing of the option to access the appeals procedure.

Non-academic Appeals process

If a complainant is dissatisfied with the outcome of their formal complaint or academic appeal they may lodge an appeal with the General Manager by calling Careers Australia on 1300 887 696.

CAG provides the right of appeal against decisions made following the resolution or completed investigation of a complaint or academic appeal, whether informal or formal or a breach of CAG Policy. At all times, parties to the appeal may be accompanied by an advocate of their choosing, except where that advocate is a legal practitioner. Each party will have opportunity to formally present their case should they wish to do so. Investigation into the appeal will commence within ten (10) working days of the lodgement of the appeal.

An appeal must be lodged in writing within twenty (20) working days of the date of notification of the original decision and the appeal will be finalised within twenty (20) working days of the date of the lodgement of the appeal. Any appeal must set out the grounds for the appeal. The General Manager or nominee may convene an Appeals Panel to assess the appeal, and act as Chairperson. In addition to the Chair, an Appeals Panel will consist of at least 2 academic staff of CAG and not less than 1 student counsellor.

Non-academic appeals may not require the convening of an Appeals Panel; however the General Manager may seek the input of suitably qualified College/Institute staff who are independent of the grounds of the appeal. Where the grounds of an appeal involves statutory issues such as harassment or discrimination the General Manager, Quality and Systems will participate in the appeals process.

The appellant will be notified in writing of the outcome of the appeal outlining the reasons for the decision within twenty (20) working days of the date of lodgement of the appeal. The report will further advise the appellant of their right to access the external mediation process if they are not satisfied with the outcome of their appeal.

External mediation services

Should a complaint or appeal not be resolved using the CAG complaints, academic appeals and appeals process, then impartial mediation by an external mediator is available. Contact with the mediator should be initiated by the student in all cases.

Students studying in South Australia.

South Australian students are advised to contact the Office of the Training Advocate (OTA) on 1800 006 488. The OTA responds to questions or concerns about the vocational education and training system in South Australia and can help by providing information about vocational education and training and investigating complaints. The OTA will either agree to act on the students behalf or refer students to the appropriate jurisdiction for assistance eg: Equal Opportunity Commission.

Students studying in Queensland

Queensland students may contact ACPET (see information below) or the Dispute Resolution Branch of the Department of Justice and Attorney-General. This is a free non-legal resolution service.

Contact details for the Brisbane Dispute Resolution Centre:

Level 1, Brisbane Magistrates Court,
363 George Street

Brisbane QLD 4000

Tel: +61 7 3239 6269

Fax: +61 7 3239 6284

Website: <http://www.justice.qld.gov.au/justice-services/dispute-resolution>

Toll Free No: 1800 017 288.

Students studying in all other states.

A mediation service recommended by CAG is the Australian Council for Private Education and Training (ACPET).

Contact Details for ACPET:

Australian Council for Private Education and Training (ACPET)

PO Box 551,

East Melbourne, Vic 8002

Ph: 1800 657 644 Fax: (03) 9416 1895

Email: acpet@acpet.edu.au

Domestic students who wish to lodge an external appeal must complete the form for domestic students available at <http://acpet.edu.au/students/student-support/appeals> and email it to: student.appeals@acpet.edu.au or post it to: PO Box 551 East Melbourne Vic 8002.

International students who wish to lodge an external appeal must complete the form for international students available at <http://acpet.edu.au/students/student-support/appeals> and email it to: student.appeals@acpet.edu.au or post it to: PO Box 551 East Melbourne Vic 8002. International students must also pay ACPET a \$200 lodgement fee.

Once an application is made, ACPET will advise the RTO of the external review application made by the student. Both the student and the RTO will be requested to provide documents in support of the application within 14 days, including student files and records, to ACPET. ACPET will then forward all documents to an External Reviewer.

The External Reviewer considers the documents and makes a determination. The decision and determination is forwarded to ACPET. ACPET will then send the decision to all parties. Turnaround time for an appeal is within 4 to 6 weeks of lodgement.

Careers Australia agrees to be bound by the independent mediator's recommendations and the Managing Director, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report.

Each complaint, grievance, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

Dispute Resolution

If after the services of an external mediator have been accessed and no resolution can be found, either party may contact the CAG Quality Branch on 1300 887 696 or the government department in the relevant state.

An overseas student may contact the chief executive or Director General of the government department in the relevant state if the student is concerned about the conduct of Careers Australia, and the Chief Executive/Director General may, under part 2, division 2 of the ESOS Act, suspend or cancel the registration of a provider or course.

Australian State	Department Name	Phone Number
Queensland	Dept of Education and Training (DET) Dept of Justice and Attorney-General	1300 369 935 1800 017 288
South Australia	Department of Further Education, Employment, Science and Technology (DFEEST) South Australian Training Advocate	1800 088 158 1800 006 488
New South Wales	Dept of Education and Training (DET)	1300 300 498
Victoria	Victorian Registration and Qualifications Authority (VRQA)	(03) 9637 2806
Western Australia	Dept of Education and Training (DET)	(08) 9264 4111
ACT	Dept of Education and Training (DET)	13 22 81
Northern Territory	Dept of Education and Training (DET)	(08) 8999 5659
Tasmania	Dept of Education	1800 816 057

If the problem resolution fits within equal opportunity guidelines, it will be managed under those guidelines. 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.

Victimisation

All complaints will be handled with fairness in accordance with the principles of natural justice. Careers Australia Group is committed to ensuring that students and respondents do not experience any victimisation as a result of making either an informal or formal complaint.

Whether a complaint is formal or informal, steps will be taken to ensure that neither party is victimised or disadvantaged as a result of a complaint being made. The Nominee appointed to manage a formal complaint will be responsible for ensuring that no victimisation occurs.

Natural justice

The duty to act fairly includes two rules: the fair dealing rule and the no bias rule.

This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student's stay in Australia. In order to expedite the process, students shall also have regard for this and not unduly interfere with the mediation agent or the procedure. Should interference by the student affect the normal process of events, CAG shall not be held responsible for the consequences.

Record keeping & confidentiality

Records of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records, upon written request to the General Manager.

These records will be maintained electronically. All electronic data is permanently archived to a secure offsite storage facility on a monthly basis. Archive cartridges are kept indefinitely.

All records relating to complaints will be treated as confidential and will be covered by Careers Australia *Privacy and Personal Information Policy*.

NOTE: This policy is to be supplied to international students prior to acceptance of offer in the student handbook and within seven days of commencement of study at orientation and induction.

Approval, publication and training

The Policy and Procedure was approved by the Board of Directors of Careers Australia on 25 October 2010.

This policy and procedure will be made available by publication in the Student Handbook and on the Careers Australia Group website (<http://www.careersaustralia.edu.au>).

For the purposes of communicating to and training staff, this policy and procedure will form part of the induction process and will be referenced through the Careers Australia Group HR policies and procedures.