



**SHAFSTON**  
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# Complaints and Appeals Policy and Procedure

## Purpose

To outline the policy and procedures for all student complaints and appeals, where these have not been able to be resolved informally as grievances.

## Scope

This policy applies to all students enrolled within courses of study offered by Shafston.

## Responsibility

This policy is the responsibility of all Shafston staff dealing with students or prospective persons. It is the responsibility of Shafston to make this policy public and advise person/s that have a grievance, complaint or appeal of any nature of its existence.

## Terms and Definitions

- a. **Grievance** - a grievance is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by Shafston which the student brings to the attention of Shafston in an informal way, i.e. it is spoken about to a Staff member, not submitted in writing.
- b. **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.
- c. **Complainant** – student or potential student lodging the grievance or complaint.
- d. **Academic Decisions** – matters relating to the provision of training, assessment and results within a VET course of study, including assessment matter, insufficient training, RPL application results, academic misconduct, Credit and Credit Transfer application results, assessment and unit results as deemed by the Trainer.
- e. **Non Academic** – matters relating to the provision of support services such as those associated with the enrolment process, job placement assistance, handling of personal information and access to personal records, pre-course information, equipment or training resources, programme content or structure, financial related matters i.e. refund application decisions.
- f. **Appeal** – if a student is not satisfied with a decision made by Shafston, he/she has twenty (20) working days from the dated written notification in which to lodge an appeal to have the case reviewed. This includes decisions relating to complaint outcomes and academic complaints, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, refund refusal notices, misbehaviour, refusals of transfer applications, and/or pending cancellation of enrolment.

Shafston 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 review of a complaint or appeal, and if not satisfied with the Internal outcome or procedure an independent external review of an appeal at a reasonable cost to the Student. This system can be utilised by eligible students, including potential students enrolled or seeking to enrol in a course of study with Shafston, to submit a complaint of an academic or non-academic nature.

## Complaints and Appeals Procedure

All students or potential students can access the process to resolve their grievance, complaint or appeal with Shafston. During each stage Shafston 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;
- d. where the internal or external complaint handling or appeal process result in a decision that supports the complainant, Shafston immediately implements any decision and/or corrective and preventive action required and advises the complainant of the outcome in writing.
- e. where an internal complaint or appeal has been submitted, the complainant will be notified in writing of the outcome of the complaint or appeal.
- f. there is no cost to the complainant for utilising the internal complaints and appeals process; however, there is a specified cost for utilising the external part of the process.

### Step 1: Resolving Grievances

Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer about his/her concerns. If the student or potential student has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, then he/she may discuss the issue with any of the following, depending on the nature of the complaint, i.e. academic or non-academic:

(a) Administration Officer; or (b) Student Services Officer; or (c) relevant Head of School. He/she may be accompanied or assisted by a support person during this process.

The grievance will be dealt with in a reasonable time. Every effort will be made to ensure this is within fourteen (14) days of receipt of the grievance. The complainant and any other person(s) directly concerned will be provided with the outcome of the discussion with second party and any actions that were taken or will be taken to resolve the issue. If the complainant is not satisfied with the outcome, a formal complaint can be lodged by the complainant under this policy.

### Step 2: Lodging a Formal Complaint or Appeal

To commence the formal complaint or appeal process, the complainant must complete a student appeals and complaints form (available from Student Services or on the public website). If the students complaint or appeal is of an Academic matter they must complete the 'Student Appeals and Complaints for Academic Decisions Form' and submit this to the Student Services Officer. If the students complaint or appeal is of a Non-academic matter they must complete the 'Student Appeals and Complaints Form' and submit this to the Student Services Officer.

The following information needs to be provided in writing on or accompanying the form:

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

Shafston will commence the process of considering the complaint within fourteen (14) days of receiving the written Appeals and Complaint Form, and will advise the outcome of the appeal or complaint in writing to the complainant. He/she will ensure all steps are taken to resolve the complaint as soon as practical.

### What happens then

Once the complaint has been formally lodged, the process will commence within 10 working days from the date of lodgement. Shafston will take all reasonable measures to ensure that the complaint is finalised as soon as practicable. In considering the complaint, the Director and/or General Manager will arrange a meeting with the Staff involved enabling a clear understanding of the case. The complainant's Appeal and Complaint Form and supporting documentation will be considered by the Director and/or General Manager along with the discussion held with the staff involved.

The complaint will be investigated by the Director and/or General Manager who may discuss the issues with the person(s) concerned, and may confer with the relevant staff involved.

If he or she considers that the complaint is upheld, then he/she will immediately notify relevant staff to implement the actions required to resolve the complaint. The complainant will be provided with a written outcome of the steps taken to address the complaint within twenty (20) working days of the commencement of the complaint process.

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

The Director and/or General Manager will retain a written record of the complaint and its outcome and this will be placed in the Students Admission file.

### **Step 3: Lodging an Internal Appeal**

If a student is not satisfied with a decision made by Shafston, he/she has twenty (20) working days from the dated written notification by Shafston in which to lodge an Internal Appeal to have the case reviewed at no cost to the student. This includes decisions relating to the outcomes of complaints and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, student misbehaviour or misconduct, refund refusal notices, refusal to provide a letter of release, and/or pending cancellation of enrolment by Shafston.

Appeals should be lodged in writing on the Student Complaint and Appeal Form submitting the Student Complaint and Appeal Form for Academic Decisions if applicable, available from Student Services and public website.

The appeal will be considered by the Director and/or General Manager, who may decide:

- a. to make a determination based on the information provided;
- b. to establish an Internal Case Review Panel and conduct a meeting with the complainant, case review panel and relevant staff; or
- c. that there are insufficient grounds or supporting evidence to support the appeal, thus concluding the consideration of the matter under these internal appeals procedures.

The student will be advised in writing of this decision and the reasons for it. If the decision is for an Internal Case Review Panel and meeting with the complainant and relevant staff, the student and staff will be informed of the membership of that panel, and the procedure to be followed, at least fourteen (14) working days in advance of the review date.

The Internal Case Review Panel will consist of the Chief Executive Officer or his/her nominee (in the Chair), a Head of School (for a course of study other than the one in which the student is enrolled) or his/her nominee, and another senior member of Shafston staff (who is not one of the student's trainers and not involved in the complaint or appeal).

The meeting will be conducted in private and all relevant facts will be taken into consideration. The complainant may attend and be accompanied by a friend or representative who may speak and act on his/her behalf, including providing evidence. If the complaint involves another person(s), they will also be invited to present their case to the panel. A written record of the meeting will be taken.

The student 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 by the complainant is successful and in favour of the complainant they will be informed of the action to be taken to resolve the matter. Shafston will immediately implement any decision and/or action required.

If the appeal is not successful and the original complaint decision remains, then the complainant will be given a written notice of the outcome including the reasons for that decision, and advising of his/her right to access the external appeals process if not satisfied with the outcome of the Internal appeal.

## Step 4: External Appeals

In the event of the complainant remaining dissatisfied with the result or conduct of Shafston's internal procedures for handling of the complaint, he/she has the right to access an external appeals process at minimal cost. He/she may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision. This is to occur within twenty (20) working days from the dated written outcome of the Internal Appeal, unless special circumstances apply. For International Students the External Complaint or Appeal is to be lodged with the Overseas Student Ombudsman which is a free of charge service.

If the External Case Review process supports the complainant, then Shafston will immediately implement any recommendations, and advise him/her in writing. When appropriate, these recommendations will be incorporated into the Shafston's policies and procedures for implementation ensuring the continuous improvement of service and quality education to students.

If the complaint is not upheld, the complainant will be given a detailed written explanation by the external reviewer. It will include the reasons for that decision. 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.

Such person/s may have to pay an application fee; it depends 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 decides that it is finalised in the student's favour. (For the purposes of providing a guide, the application fee as of 1 July 2010 is \$777.)

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

Further information about the Overseas Student Ombudsman, including the required application forms can be obtained from their website at: [www.oso.gov.au](http://www.oso.gov.au)

### RELATED FORMS

- Student Complaint and Appeal Form
- Student Complaint and Appeal for Academic Decisions Form

Shafston has available to the Public all of the Related Policies and Procedures via the Shafston Public Website.