

# Complaints & Appeals Policy

## Purpose

This policy applies to all students and clients with complaints relating to the conduct of Australian College of the Arts Pty Ltd (Collarts). This policy covers requests for a review of decisions, including assessment decisions, made by Collarts or a third party providing services on behalf of Collarts. This policy is produced in the context of a commitment to quality programs, student welfare and its responsibilities under the Standards.

## Scope

This policy and procedure is set out to provide clear and practical guidelines to ensure that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively. In particular, this policy focuses on establishing mechanisms to address any complaints or appeals, whether complainants and appellants are prospective, currently enrolled, former students or other parties to Collarts. It also seeks to ensure that complaints can be resolved in accordance with the principles of natural justice, and procedural fairness, in relation to allegations involving the conduct of:

- a) Collarts, its trainers, assessors or other staff
- b) a third party providing services on behalf of Collarts, its trainers, assessors or other staff
- c) a student of Collarts

All college policies referenced in this document can be found in the Student Handbook which can be accessed via the *Student Resources* section of the MyCollarts student portal at <https://collarts.edu.au/vetis> or *VETIS Resources* section of the college website.

## Definition of Key Terms

**"Appellant"** means the person who has made an appeal against a college decision in relation to a grievance

**"Complainant"** means person who has made a complaint or grievance

**"Complaints & Appeals"** may include matters of concern to a student relating to: application and/or enrolment process; training delivery and assessment; the quality of the training; course content and/or teaching and learning practices; student support and materials; discipline matters relating to other students; discrimination; and sexual harassment.

**"Formal Complaints & Appeals"** refers to the formal lodging of a written complaint or appeal

**"Informal Complaints & Appeals"** refers to a range of processes such as a discussion, request or query lodged with an assessor or staff member

**"Natural Justice"** is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias.
- All parties have the right to be heard.
- The respondent has a right to know of what they are being accused of
- All parties are told the decision and the reasons for the decision

**"Respondent"** means person(s) or institution against whom a complaint or appeal has been lodged

**"Third Party"** refers to an approved party that provides services on behalf of Collarts such as an auspiced school operating under a current Memorandum of Understanding with Collarts

## Principles

The guiding principles of these procedures are that complaints and appeals shall be:

- Treated seriously and with fairness
- Dealt with quickly, simply and at the level of the specific Collarts campus as far as is possible
- Treated consistently across Collarts
- Subject to the principles of natural justice
- Progressed through informal and formal stages
- Allow web video conferencing or other similar means where complainants cannot attend in person
- Dealt with and resolved wherever possible without recourse to the formal stage, and shall be without prejudice to a complainant's right to pursue legal remedies outside Collarts having exhausted the college complaints and appeals procedures

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other education provider policies or under statute or any other law

## Before an Issue Becomes a Formal Complaint or Appeal

Prior to lodging a formal complaint or appeal, students are encouraged to discuss their concerns with their VET Course Teacher responsible for their program, in order to clarify further the reasons behind the issue, which is being questioned.

Where complaints or appeals arise in relation to the services provided by a third party, such as a school delivering training and assessment under the auspice of Collarts, in the first instance, the third party's complaints management procedures are to be adhered to.

Where the complaint is not resolved to the complainant's satisfaction then the complaint is to be referred to the Collarts VET Music Program Leader.

## Procedure & Stages of the Grievance Process

1. This complaints or appeals procedure is available to all students regardless of the location of the campus at which the complaint or appeal has arisen, the student's place of residence or the mode in which they study. The complaints or appeals procedure is also available to persons seeking to enrol in a course of study.
2. All complaints or appeals will be treated sympathetically and dealt with in a confidential manner without victimisation or intimidation of anyone connected with the complaint or appeal either during, or subsequent to, a complaints or appeals investigation.
3. A written explanation for decisions and actions taken will be provided at all stages of the complaints or appeals process, if so requested.
4. At each stage of the complaints or appeals process the Complainant and/or the Respondent may be accompanied and assisted by a third party if so desired. It is not anticipated that this third party be a legal representative.
5. Any Complainant is encouraged in the first instance to speak immediately with the facilitator/lecturer/teacher or the relevant staff person involved in an attempt to informally resolve the issue.

6. If the matter cannot be resolved informally with the immediate staff member, and the issues relate to the services provided by a third party, such as a school delivering training and assessment under the auspice of Collarts, the third party's complaints management procedures are to be adhered to.
7. If the matter cannot be resolved informally with the immediate staff member, or relevant third party's complaints management processes, the Complainant should lodge a *Formal VET in Schools Complaint Form* with the Collarts VET Music Program Leader. The Program Leader will promptly consult with staff and, if required, arrange a meeting between the Complainant, staff member and the manager in an attempt to reach an acceptable solution and resolve the matter. The Program Leader shall record the discussion and its outcome in departmental files.

A '*Formal VET in Schools Complaint Form*' can be downloaded from which can be downloaded via Student Resources section of the MyCollarts student portal at <https://collarts.edu.au/vetis/> or VETIS Resources section of the college website.

8. If the matter still cannot be resolved to their satisfaction, the Complainant may lodge a *VET in Schools Application for Appeal* form with the VET Music Program Leader. The application for appeal shall be forwarded to the Dean of Collarts for action. There is no cost for this internal mechanism.

A '*VET in Schools Application for Appeal*' form can be downloaded from which can be downloaded via Student Resources section of the MyCollarts student portal at <https://collarts.edu.au/vetis/> or VETIS Resources section of the college website.

9. The Dean shall consider the application for appeal, consult with VET Music Program Leader and the Appellant, and shall make a determination on the matter. This determination shall be relayed to the Appellant in writing with the reasons for the decision within ten (10) working days. There is no cost for this internal mechanism. The Dean shall record the discussion and its outcome in departmental files.
10. If the matter still cannot be resolved after Steps 5, 6, 7, 8 and 9, Collarts will arrange for independent mediation to resolve the dispute within a further five (5) working days.
12. If the matter remains unresolved, then the mediator shall provide the Appellant with information about appropriate referral to external agencies.
13. Where the Collarts considers more than 60 calendar days are required to process and finalise the complaint or appeal, Collarts will inform the Complainant or Appellant in writing, including reasons why more than 60 calendar days are required; and regularly updates the Complainant or Appellant on the progress of the matter.
14. Nothing in this complaints and appeals policy negates the right of local and overseas students to take action under Australia's consumer protection laws in the case of financial disputes.
15. Nothing in this complaints and appeals policy negates the right of local and overseas students to pursue other legal remedies.
16. Records of all complaints and appeals and their outcomes will be kept securely and will remain strictly confidential for a period of five (5) years. All parties involved in the complaints and appeals process will be permitted supervised access to these records through the Collarts Registrar.
17. Complaints may also be registered directly with ASQA by calling the ASQA Info Line on 1300 701 801, or by using the Online Complaints Form at <https://rms.asqa.gov.au/registration/newcomplaint.aspx>

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**Approval**

This policy was approved by the Teaching & Learning Committee on 14 January 2015 and is scheduled for presentation to the Academic Board for ratification at their next meeting for 3 March 2015.