



Version 190412

# POLICY AND PROCEDURE - Complaints and Appeals

## Purpose

Acknowledge Education is committed to providing an effective, efficient, fair and confidential non-academic grievance handling procedure for all complainants, parents and other Acknowledge Education community stakeholders ('Complainants'). Complainants must have easy access to a process of facilitating resolution of disputes or grievances at minimal or no cost. These procedures are conciliatory and non-legal in nature.

All complainants and prospective complainants of Acknowledge Education are entitled to access these procedures regardless of the location or campus at which the grievance originated, the complainant's or person's place of residence, or the mode in which they study.

## Application

These procedures cover the handling of non-academic complaints and appeals. Non-academic matters include those matters which do not relate to complainant progress, assessment, course content or awards in a course, and include complaints in relation to personal information that the provider holds and appeals of decisions to report international complainants for non-conformity with complainant visa requirements. These procedures apply equally to all complainants regardless of eligibility for or access to government subsidies, FEE-HELP and VET Student Loans.

This policy also applies to the parents/guardians of VCE and English for Secondary Schools complainants, as well as any other community stakeholder.

Copies of this document are incorporated into Staff and Complainant Handbooks and published on the Acknowledge Education website.

## **1 Policy**

### **1.1 Resolving Complaints and Appeals**

Acknowledge Education is committed to complainant complaints and appeals being resolved fairly and efficiently. All grievances will be treated seriously and sensitively, with due regard to procedural fairness and complainant privacy, and at minimal or no cost to the complainant.

### **1.2 Procedural Fairness**

- a. Complainants will be treated fairly at all times and will not be victimised or discriminated against during the complaints and appeals process or as a result of complaints being raised.
- b. The complainant and respondent will be afforded the opportunity to present their case at each stage of the procedure.
- c. The complainant has the right to be represented by a third person, such as a family member, friend, counsellor or other professional support person, at each stage of the procedure.



- d. If the complainant chooses to access Acknowledge Education's complaints and appeals processes, Acknowledge Education will maintain the complainant's enrolment while the complaints and appeals process is ongoing.
- e. Complaints which may affect course grades should be made during the semester in which the alleged action has taken place, but no later than the next succeeding semester.
- f. At any time a complainant may have a support person present at any discussions or to assist with any aspect of the appeals process.
- g. At any time a complainant may refer a grievance to an external agency, such as the Victorian Equal Opportunity and Human Rights Commission, Consumer Affairs Victoria or the Overseas Complainant Ombudsman.
- h. This policy does not remove or preclude any right to take action under Australian Consumer Protection laws or to pursue other legal remedies.

### 1.3 Record-keeping and Privacy

- a. At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the parties if requested.
- b. Records of grievances, formal complaints and appeals will be kept for at least five years. Parties to the complaint will be granted appropriate access to the records in accordance with Acknowledge Education's Privacy Policy.
- c. Complainants' privacy will be respected at all times of the complaints and appeals process. All records are treated as strictly confidential and stored according to the National Privacy Principles as required by the Privacy Act 1988 (Cth) and to Acknowledge Education's Privacy Policy.

## 2 Procedures

### First Step:

#### Informal Discussion

- Try to resolve issue informally by talking to the relevant person.

### Stage 1:

#### Internal Formal Review

- You submit a formal written complaint to the Coordinator or head of department. It will be investigated.

### Stage 2:

#### Internal Appeals Panel

- You may either write or appear before the Internal Appeals Panel to present your complaint.

### Stage 3:

#### External Appeal

- You can contact the Overseas Student Ombudsman to review the decision.
- Acknowledge Education will respect any decision made by the Overseas Student Ombudsman.

### 2.1 First Step – Informal Resolution of Grievances

- a. Acknowledge Education encourages an environment of self-awareness, accountability and maturity and recommends that, in the first instance, all complaints be discussed with the person(s) involved in order to attempt an informal discussion and resolution of the complaint. This may be a teacher, tutor, lecturer or course coordinator.
- b. Complainants may also discuss grievances with other teachers, tutors, lecturers, course coordinators, administrative staff, Student Accommodation and Welfare Officers, or Student Support Officers to attempt resolution and gain advice.



- c. It is not mandatory to attempt to resolve a grievance informally. Not doing so is not prejudicial to access the formal complaints and appeals process.
- d. In the case of informal resolution being inappropriate or the outcome of discussions being unfavourable to the complainant, the complainant is encouraged to access the following formal complaints and appeals processes.

## 2.2 Stage 1 – Internal Formal Review

- a. To initiate the formal process, complainants must submit a formal written complaint within a reasonable time from the grounds for the complaint arising to the Compliance Officer or, if relevant, the Course Coordinator or head of department. International complainants appealing letters of intention to report must lodge appeals within 20 days of the letter being issued.
- b. That person will assess the complaint, determine the outcome and advise the complainant in writing of their decision within 20 working days of receipt of the complaint, including a full explanation of the reasons for the decision if requested.
- c. If the outcome of the process is favourable to the complainant, Acknowledge Education will immediately advise the complainant and implement any decision and/or corrective and preventative action required.
- d. The complainant will be advised of their right to proceed to Stage 2 of the grievance procedure if they consider the matter unresolved.

## 2.3 Stage 2 – Internal Appeals Process (Appeals Panel)

- a. If the complainant is not satisfied with the outcome of the Internal Formal Resolution, they may lodge an appeal in writing by completing and lodging the Internal Appeal Form. This form is available at [www.stotts.vic.edu.au](http://www.stotts.vic.edu.au) and at any Acknowledge Education campus.
- b. An Appeal Panel, consisting of the Academic Programs Manager and two senior staff members not directly involved in the dispute, will convene within 10 days of the form being lodged to consider the appeal. The Appeal Panel will conduct all necessary consultations with the complainant and other relevant persons.
- c. The appealing complainant may elect to present their case in person or through a representative by making a nomination on the Internal Appeal Form. In this case the Appeal Panel will contact the complainant to arrange a date for hearing the appeal.
- d. The Appeal Panel will determine the outcome of the appeal and advise the appealing complainant in writing of their decision within 20 days of lodgement of the Internal Appeal Form, including a full explanation of the reasons for the decision if requested.
- e. If the outcome of the process is favourable to the appealing complainant, Acknowledge Education will immediately advise the appealing complainant and implement any decision and/or corrective and preventative action required.
- f. The appealing complainant will be advised of their right to proceed to Stage 3 of the grievance procedure if they consider the matter unresolved.

## 2.4 Stage 3 – External Appeals Process

- a. If the appealing complainant is not satisfied with the outcome of the Internal Appeals Process, they have the right to access an external appeals process at minimal cost. The purpose of the external appeals process is to consider whether Acknowledge Education has followed its complainant complaints and appeals procedure, and not to make a decision in place of Acknowledge Education.
- b. Domestic Students:  
Institute of Arbitrators and Mediators Australia (IAMA)  
Location: Level 1, 190 Queen Street  
Melbourne, Victoria  
Postal address: PO Box 13064  
Law Courts  
Melbourne, Victoria 8010  
Telephone: (03) 9607 6908  
Fax: (03) 9602 2833  
Email: [national@iama.org.au](mailto:national@iama.org.au) , Web: [www.iama.org.au](http://www.iama.org.au)
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d. International Students:  
 The contact details are:  
 Name: Overseas Complainant Ombudsman  
 Address: GPO Box 442, Canberra, ACT 2601.  
 Telephone: 1300 362 072 within Australia  
 Outside Australia call +61 2 6276 0111  
 Email: ombudsman@ombudsman.gov.au

If the outcome of the process is favourable to the appealing complainant, Acknowledge Education will give due consideration to the implementation of recommendations of the External Review body. If the outcome of the process supports Acknowledge Education's original decision, that decision will be promptly implemented.

**At any time a complainant may refer a grievance to an external agency, such as the Victorian Equal Opportunity and Human Rights Commission or Consumer Affairs Victoria. This policy does not remove or preclude any right to take action under Australian Consumer Protection laws or to pursue other legal remedies.**

### Document approval

**Endorsed by:** Governing Council (Previous Version)  
**Date endorsed:** 27/1/2009  
**Effective date:** 27/1/2009  
**Version number:** 3.2  
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**Related documents:** Access and Equity Policy, Internal Appeal Form, Privacy Policy  
**Responsibilities:** Academic Board, Academic Program Managers, Administrative Officers, Appeal Panels, Board of Directors, Compliance Officer, Operations Manager, Registrar

### Document change and review log

Date	Version	By	Notes
17 July 2012	2.0	RF	Updated with new format, updated external body names to reflect changes, and incorporated VET FEE-HELP requirements. Previous changes as listed: 19 August 2009; 16 October 2009; 10 November 2009; 21 March 2012
15 April 2013	2.1	RF	Updated to change reference to IAMA as external review body and remove qualification to having a third party present, and to emphasise procedures are at minimal/no cost to complainant.
20 June 2014	2.2	BS	Change to Acknowledge Education
22 Sep 2015	3	BS	Insert diagram, change external review to OSO
24 Sep 2015	3.1	BS	Make clearer right of complainant to have support person
30 June 2016	3.2	BS	Change logos and font
29 August 2016	3.3	BS	Change student to complainant to include parents/guardians and other community stakeholders
13 Dec 2016	4	BS	Approved by Board
09/11/17	171109	BS	Name change
190412	190412	BS	Insert IAMA for Domestic Students