

UTP35 – Complaints and appeals policy and procedure

Title: UTP35 - Complaints and appeals policy and procedure

Published Date: 01/10/2021

Version: 1.1

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1. Policy

Despite the best efforts of UTA Institute of Technology (UTAIT) to provide quality services and outcomes to its students, complaints may occasionally arise that require formal resolution. The Complaints and Appeals Policy and procedure address UTAIT's formal, systematic approach to complaints handling, providing a mechanism for lodging and ensuring a prompt, objective resolution of any complaints and/or assessments appeals.

2. Scope

Although this policy is primarily a tool for students and/or their employers, this policy is also applicable to all UTAIT's stakeholders, including staff and people who are seeking to enrol as students. The policy applies, regardless of the location at which the grievance has arisen, the person's place of residence and or mode of study. The document is available publically on the UTAIT website and has been included in student and staff handbooks.

3. Responsibilities

The Director - Training/ or delegation is responsible for the implementation of this policy and to ensure that staff and students are aware of its application and that staff implement its requirements.

4. Related documents

- Complaints and Appeals Form
- UTP20 - Continuous Improvement Policy & Procedure
- Student Handbook
- UTP36 - Assessment Policy and Procedure
- Continuous Improvement Register - Complaints and Appeals
- UTP26 - Recognition Policy and Procedure
- UTP25 - Credit Transfer Policy and Procedure
- UTF01- Application for Enrolment

5. Content

The Complaints and Appeals Policy and procedure provide students and other parties the opportunity to have any issues relating to a substantiated complaint or appeal resolved. This policy and procedure ensure a fair and equitable outcome, with sensitivity to the concerns of the individual and in complete confidentiality.

5.1 Definitions

Complaint: A complaint is a generally negative feedback about services or staff, which requires a systematic and formal resolution management process. A complaint may be received by UTAIT in any form and does not need to be formally documented by the complainant in order to be

acted on.

Complaints may be made by any person or agency in contact with the service and can be lodged in a variety of different mediums, including email, phone or in person. All complaints must be made to UTAIT within 12 months of the incidence occur.

Appeal: An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged in writing within 15 working days of the decision or finding is informed to the student.

5.2 Relationship to continuous improvement

Examination of all complaints and appeals provide an opportunity to improve service delivery and educational outcomes. The complaints and appeals handling process may also be related to administrative processes.

All complaints raised are registered on the Continuous Improvement Register and where required, corrective actions implemented and reviewed according to the UTP20 - Continuous Improvement Policy and Procedure.

5.3 General principles

- ❖ The complainant/appellant will receive a written acknowledgement within 2 working days of the complaint/appeal was made aware of UTAIT.
- ❖ The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint or appeal, and all reasonable measures are taken to finalise the process as soon as practicable.
- ❖ Each complaint is investigated objectively and without bias
- ❖ A written record of all complaints and appeals is kept in the student's file by UTAIT including all details of lodgment, response and resolution.
- ❖ All associated records of grievances are kept for a minimum of 5 years.
- ❖ A complainant or person lodging an appeal is to be provided with an opportunity to formally present his or her case through UTAIT's internal complaints and appeals process at no cost.
- ❖ Each complainant or person lodging an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- ❖ The complainant has appropriate access to their record while ensuring that the records are kept confidential.
- ❖ The complainant or person lodging an appeal is to be provided written notice of each stage in the investigation process and a statement of the outcome, including details of the reasons for the outcome.
- ❖ The complainant or person lodging an appeal is to have the opportunity for a person or a body

that is independent of UTAIT to review his or her complaint or appeal following the internal UTAIT complaint or appeals process. It is noted that a review of findings by an independent person or body will generally only relate to the appeals process and is less likely to be required in complaints handling.

- ❖ UTAIT shall maintain the enrolment of the complainant or person lodging an appeal during the complaint or appeals process.
- ❖ Decisions or outcomes of the complaint or appeals process that find in favour of the student shall be implemented immediately.
- ❖ Complaints and appeals are to be handled in the strictest of confidence. No UTAIT representative is to disclose information to any person without the permission of the CEO. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be given in writing.
- ❖ Complaints and appeals are to be considered on the basis of procedural fairness and lead to opportunities for improvement and are recorded in the Continuous Improvement Register - Complaints and Appeals.
- ❖ Students who are not satisfied with the complaint and appeal handling process by UTAIT may refer their complaint to an external mediator. Please refer to 6.4 - External mediation below.
- ❖ Appeals of assessment decisions may not be undertaken by an external mediator.

6. Procedure

6.1 Provision of information

Information on the complaints and appeals process is communicated to students at Induction and via pre-enrolment information: Application for Enrolment Form and Student Handbook. The Complaints and Appeals/Feedback form is available at the reception area within UTAIT's premises and on the UTAIT's website.

Employees and Contractors working for UTAIT are made aware of the Complaints and appeals policy and procedure at induction. Written information on the complaints and appeals process is contained within the Human Resource Management Policy and Procedure Manual.

6.2 General Information to handle complaints

With these principles in mind, all staff should provide every assistance to a complainant or appellant in lodging their case and to expedite the process wherever possible.

Where a complainant chooses to submit a complaint anonymously, then UTAIT will review the complaint and act on any finding as if the complainant was known. Obviously, no submissions from the complainant can be gained or a response given. But in all other aspects, the process can be followed, including a review of findings.

6.3 Processes of handling complaints and appeals

The UTAIT's complaint and appeals process comprise four stages:

- Informal (Stage 1)
- Complaint (Stage 2)
- Internal Appeal (Stage 3)
- External Mediation (Stage 4)

Stage 1: Informal

Students and clients are encouraged to discuss any issues with the relevant teacher, assessor, staff member or manager in the first instance to attempt to resolve their concerns.

Students or clients who are uncertain as to whom to discuss their concerns with may contact the Student Support Manager on 1300 36 99 25 for a referral contact.

Where this informal stage fails to reach an agreed resolution, the student or client may elect to lodge a written complaint.

Stage 2: Complaint

Acknowledgement

The process is instigated by a Complaint and Appeal/Feedback Form - UTF04A/B, being completed and delivered to UTAIT. (Note whilst this is the preferred method, complaints can be received via email, telephone, using the "feedback" on the UTAIT's website or by letter). All complaints must be made to UTAIT within 12 months of the incidence occur.

On receipt, the administration should immediately forward the case to the Student Support Manager who, within two (2) working days, will email to the complainant or appellant (and copy in the Director of Training) that:

1. acknowledges receipt of the case and
2. include indicative timeframes for the process
3. notifies them of who to contact (including contact details) in case they want to make contact during the process
4. offers the complainant/appellant the right to present their case in person (with a friend if requested)

Entry into the Continuous Improvement Register - Complaints and Appeals

The Student Support Manager should enter the following information into the Continuous Improvement Register - Complaints and Appeals (which is on the SMS)

1. Submission date of complaint / appeal
5. Name of complainant / appellant (where know);
6. Nature of complaint / appeal;

7. Date of the event which lead to the complaint or appeal
8. Attachments (if applicable);

The Student Support Manager, or in their absence the Director of Training, should assess the case and if a simple case responds immediately to the complainant with a determination and statement of outcome which is to include information of the appeal process.

Investigation

For more complex cases, the Student Support Manager should:

- a. Plan an investigation including
 1. the person most suitable to lead the review (if the case is about a staff member then ensuring that a different staff member investigates the complaint).
 2. the parties to be called to gain input (A student may be assisted or accompanied by a support person regardless of the nature of the case)
 3. timescales
 4. Involvement of 3rd parties if appropriate (e.g. external assessor).
- b. then refer the matter to the appropriate staff to resolve and to make a decision on the case within 5 working days.

If a member of staff that is invited to participate believes that there is any potential or actual conflict of interest, then they should notify the Student Support Manager who will organise alternative staff to be used to review the case.

The review should invite the parties to provide evidence and further information as appropriate. The information should be requested within 10 working days to facilitate a prompt resolution. This may include meetings where the complainant/appellant and other interested parties will be invited to present their position.

The lead reviewer will discuss any decisions made with the Student Support Manager before a formal response is made.

Concluding the complaint

The Student Support Manager should review the conclusions reached and then prepare a detailed notification of the decision in writing that provides the complainant/appellant:

- a. details of the complaint / appeal investigation carried out and
- b. the outcome and conclusions reached and
- c. (if the outcome is against the complainant/appellant) their right to appeal and timescales including reference to this policy and procedure.

The Student Support Manager must report the proposed conclusion of the complaint to the Director of Training before formal respond to the complainant/appellant.

All meetings should be documented and copies provided to the complainant/appellant. This should include notes of oral evidence taken.

Where the case is more complex and or taking time to resolve, the Student Support Manager will regularly update the status to the complainant/appellant by email.

The Student Support Manager will inform the complainant/appellant in writing when a complaint or appeal will take longer than sixty (60) days.

Subsequently, the Student Support Manager should ensure the register is updated with:

- a. description of complaint / appeal
- b. determined resolution; and
- c. date of resolution.

Copies of all documentation, outcomes and further action required will be placed in the complainant/appellant's file.

UTAIT endeavours to resolve a complaint within 20 working days from the date that the Student Support Manager sends the acknowledgement to the complainant.

Stage 3: Internal appeal

Students, staff or clients may appeal decisions made by UTAIT where reasonable grounds can be established. The areas in which an interested party may appeal a decision made include:

- a. result of an assessment
- b. reported breaches of academic performance or attendance requirements
- c. deferral, suspension, or cancellation decisions made in relation to student enrolment
- d. workplace/staff issues
- e. or any other conclusion that is made after a complaint has been previously dealt with by UTAIT the first instance.

Appeals must be lodged in writing within 15 working days of the decision or finding is informed to the complainant. To activate the appeals process, the appellant is required to complete a *Complaint and Appeal/Feedback Form - UTF04A/B*, which is to include a summary of the grounds for the appeal. This is to include the reason the appellant feels the decision or action is unfair. The appellant may ask for help and support with this process, and this can be obtained from the administration.

On receipt, the administration should immediately forward the case to the Student Support Manager who, within two (2) working days, will email to the appellant (and copy in the Director of Training) that:

- 1. acknowledges receipt of the case and
- 2. include indicative timeframes for the process
- 3. notifies them of who to contact (including contact details) in case they want to make contact during the process

4. offers the complainant/appellant the right to present their case in person (with a friend if requested)

The process for all formally lodged appeals will begin within 15 working days of the appeal being lodged.

The Student Support Manager will organise the appeal hearing with all parties involved in the matter and attempt to seek resolution where appropriate.

Where an appeal has been lodged, it will be defined into one of the following categories, and the appropriate procedures followed:

a. Complaint Review Decision

Where the appeal relates to a decision or outcome of a formal complaint, the appeal must be lodged within 15 working days of being informed of the complaint review decision. Any supporting documentation should also be attached to the appeal.

The Student Support Manager shall organise the appeal hearing within 15 working days of sending of the acknowledgement letter.

The appellant is able to nominate a support person to be present at the hearing of the appeal, who can be either a UTAIT employee or person external to the institute.

The Student Support Manager may arrange pre-appeal hearing meetings with the relevant parties prior to the appeal hearing.

At the appeal hearing:

- All parties concerned shall be given the opportunity to submit documents to the Student Support Manager. These documents must be provided to the Student Support Manager at least five (5) days prior to the Appeals hearing meeting to enable the Student Support Manager time to examine the documents. This requirement shall be documented in the notification letter.
- The appellant shall be given the right to appear personally and present their evidence to the Student Support Manager and may choose a representative to be present at the appeal hearing.

The Student Support Manager, having considered an appellant's appeal, shall either disallow the appeal or allow the appeal and determine what the appellant be entitled to.

Notification of the decision shall be forwarded to the appellant within five (5) working days of the appeal hearing and the *Continuous Improvement Register - Complaints and Appeals* will be updated by the Student Support Manager.

UTAIT endeavours to resolve an appeal within 20 working days from the date that the Student Support Manager sends the acknowledgement to the appellant.

b. Assessment Appeals

Where a student wishes to appeal an assessment outcome, they are required to notify their assessor in the first instance. Where appropriate, the assessor may decide to re-assess the student's work to ensure a fair and equitable decision has been made. The assessor will also complete a written report regarding the re-assessment outlining the reasons why the assessment was or was not granted. Staff should be encouraged to identify any potential or actual conflict of interest so that an alternative staff can be used to review the case.

If this is still not to the student's satisfaction the student should formally lodge an appeal by submitting a *Complaint and Appeal/Feedback Form - UTF04A* outlining their reasons as defined above within 15 working days of being informed assessment decision.

The Student Support Manager will seek details from the assessor involved and any other relevant parties.

The Student Support Manager shall organise the appeal hearing within 15 working days of sending of the acknowledgement letter.

The appellant is able to nominate a support person to be present at the hearing of the appeal, which can be either a UTAIT employee or person external to the institute.

The Student Support Manager may arrange pre-appeal hearing meetings with the relevant parties prior to the appeal hearing.

At the appeal hearing:

- All parties concerned shall be given the opportunity to submit documents to the Student Support Manager. These documents must be provided to the Student Support Manager at least five (5) days prior to the Appeals hearing meeting to enable the Student Support Manager time to examine the documents. This requirement shall be documented in the notification letter.
- The appellant shall be given the right to appear personally and present their evidence to the Student Support Manager and may choose a representative to be present at the appeal hearing.
- The trainer/assessor may be required to attend the appeal hearing to respond to questions

The Student Support Manager, having considered an appellant's appeal, shall either disallow the appeal or allow the appeal and determine what the appellant be entitled to. This may include:

- Special examination, re-test or challenge test
- Oral examination
- Extension of writing/reading time
- Variation to means of assessment
- Re-assessment by a third party
- Re-assessment of grading.

Should the internal appeal outcome lead to a re-assessment, the student is offered the opportunity to undertake additional training before this re-assessment?

The third-party will be another assessor appointed by the Institution.

Notification of the decision shall be forwarded to the appellant within five (5) working days of the appeal hearing and the *Continuous Improvement Register - Complaints and Appeals* will be updated by the Student Support Manager.

If after the re-assessment, the student remains Not Yet Competent and his/her is unsatisfied with the assessment process, the student is encouraged to meet with the Director - Training to discuss the assessment process and the assessment outcome.

There is no further venue for assessment appeal within UTAIT after a decision is made by the Director of Training as the result of the consultation.

UTAIT endeavours to resolve an appeal within 20 working days from the date that the Student Support Manager sends the acknowledgement to the appellant.

c. Misconduct / Exclusion from Class

Where the appeal relates to decision by UTAIT to exclude the student from class or program as a result of inappropriate behavior that is likely to threaten the well-being of another student or member of staff, then UTAIT, at its sole discretion, may continue that exclusion whilst the appeal is being heard.

If, as a result of the appeal, the appellant's case is upheld, then UTAIT will reinstate the student following the appeal and work with the student via an intervention plan to assist the student in catching up any work or time missed.

Stage 4 - External mediation

If the matter is still unresolved after an internal appeal, then the appellant may apply for an external review of the UTAIT's decision.

Consumer Affairs Victoria will hear an appeal for domestic students. Information can be founded on <http://www.consumer.vic.gov.au/resources-and-education>. UTAIT admin staff can assist the student in accessing the process.

Alternatively, the student can contact the government authority through the National Training Complaints Hotline: 13 38 73, Monday–Friday, 8am to 6pm nationally.

Through the National Training Complaints Hotline, student's complaints will be directed to relevant authorities, connecting consumers with the most appropriate organisation to assist them.

The appellant will be responsible for paying any costs associated with external mediators.

The decision of independent mediator is final and any further action the student wishes to take is outside UTAIT policies and procedures.

Where the decision is in support of the student, UTAIT will reimburse the student 100% of the reasonable costs of the external mediation process and will implement the decision and/or corrective and preventive action required as soon as practicable.

This complaints and appeals process does not limit the student to take action under Australian Consumer Protection Law or through other complaints and appeals mechanism through Government Agency/ies.

7. Complaints and Appeals Register

The register is called *Continuous Improvement Register - Complaints and Appeals*. The register is stored in the UTAIT Student Management System. Access to this register is restricted to authorised officers of the company, including the Student Support Manager and the Director Training.

8. Analysis of Complaints and Appeals

Prior to each regular internal audit, the Director of Training will undertake a review of the Complaints and Appeals register.

The review should look to identify two possible areas of concern:

- a. Customer Service issues and how they may be avoided in future
- b. Systematic Issues within the organisation and then to plan resolution.

Any items identified should be provided as input into the continuous improvement process and treated according to the UTP20 - Continuous Improvement Policy and Procedure.

9. Revision History

Version	Continuous Improvement Reason	Continuous Improvement Change
1.0	Original document	
1.1	Revise 2021	