



## **Student Complaints Procedure**

Australian Careers Business College (ACBC) is committed to providing a fair and transparent complaint handling process. A complaint is generally negative feedback about services or people which has not been resolved locally.

### **Who does this policy apply to?**

This policy applies to and may involve issues concerning the conduct of:

- Australian Careers Business College as an organisation, its trainers, assessors or other staff;
- academic matters (including matters relating to student progress, assessment, curriculum and awards for an approved course); and
- non-academic matters (including matters relating to enrolment in a course, orientation and personal information held by the provider).

### **Natural Justice and Procedural Fairness**

Complaints are managed at ACBC in accordance with the principles of 'procedural fairness', also known as 'natural justice'. Both terms are used interchangeably. The opportunity to be heard by an impartial decision maker is at the heart of the rules of procedural fairness/natural justice. It requires a procedurally fair hearing and an unbiased decision being made. All parties to a complaint (complainant and respondent) must be afforded natural justice.

These rules of Natural Justice apply whenever the rights or legitimate expectations of an individual are affected by a decision. Satisfying the rules of natural justice and procedural fairness will vary according to the specific circumstances. There are however important basic principles that apply to every situation.

Natural Justice requires:

- the right to be heard;
- the right to be treated without bias;
- a decision being based on relevant evidence.

It is also important that in making decisions, decision makers take into account relevant considerations; do not take into account irrelevant considerations; and act for a proper purpose.

### **Procedure**

#### **Early resolution of complaints**

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.



### **Making a complaint**

A complaint may be received by ACBC in any form and does not need to be formally documented by the complainant in order to be acted on.

To make a complaint, the student is recommended to complete the ACBC Complaint Form. This form can be obtained from ACBC office Student Services.

The completed complaint form is to be submitted to the Campus Manager either in hard copy or electronically via the following contact details:

28 Memorial Avenue  
Liverpool NSW 2170

If a complainant has any difficulty accessing the required form or submitting the complaint to ACBC, they are advised to contact site train immediately at the following phone number: 9824 0000

### **Complaint handling procedure**

ACBC will apply the following procedure to its complaints handling:

#### **Stage One – Formal Complaint**

- A complaint may be received in any form (written, verbal) although students seeking to make a complaint are recommended to complete the complaint form, which is available to them from Student Services. There is no time limitation on a student who is seeking to make a complaint. A person who makes a complaint must be **provided a written acknowledgement** as soon as possible and **not later than three (3) working days** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that ACBC had received the complaint and will review the relevant issues and provide a response. The acknowledgement must inform the complaint that they will receive a written response within 14 days.
- A written record of all complaints is to be kept by ACBC including all details of lodgement, response and resolution. The complaints register within RTO Data is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.
- A complainant is to be provided an opportunity to formally present his or her case **at no cost**.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- Where a complaint is made about or involves allegations about another person, ACBC is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond



and present information in response to the issues raised. This may be achieved through direct meetings or meeting via an electronic means. ACBC must maintain a detailed record of these meetings in the form of a record of conversation. At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.

- Where a complaint is received by ACBC which involve allegations about alleged criminal conduct, ACBC are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on the ACBC website.
- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where ACBC Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, ACBC should attempt to resolve complaints as soon as possible.

A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of ACBC and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.

- Australian Careers Business College shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the learner shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No ACBC representative is to disclose information to any person without the permission of ACBC Chief Executive Officer. A decision to release information to third parties can only to be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process.



- Complaint handling procedures should conclude with a summary of the circumstances to identify any opportunities for improvement.

### **Informing Persons and Responding to Allegations**

Where a complaint involves one person making allegations about another person, it is a requirement for ACBC to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by a decision made by ACBC as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- put forward arguments in their favour,
- show cause why a proposed action should not be taken,
- deny allegations,
- call for evidence to disprove allegations and claims,
- explain allegations or present an innocent explanation, and
- provide mitigating circumstances (information aimed at reducing the severity, seriousness, of something).

ACBC also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and relevant persons subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by ACBC.

Where an allegation is made that involve alleged criminal or illegal activity and it is considered outside the scope and expertise of ACBC to investigate the matter, then in these circumstances Australian Careers Business College reserve the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

### **Stage Two – Internal Appeal**

If a complainant is dissatisfied with the outcome of their complaint, they may lodge an appeal by writing to the CEO (who is senior to the original decision maker). An appropriate person will be appointed to consult with the complainant and other relevant parties within ten working days. Where possible such consultations should take the form of face-to-face interviews. The complainant or the respondent may ask another person to accompany them to these interviews.

Following the consultation, the CEO, or their nominee, will provide a written report to the complainant advising the further 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 external appeals process if they are not satisfied with the outcome of their internal appeal.

### **Stage Three – External Appeal**

#### **Third Party Review**

Where the person making a complaint is not satisfied with the handling of the matter by ACBC, they have the opportunity for a body or person that is independent of ACBC to review his or her complaint following the internal completion of complaint handling process. Before a person seeks a review by an independent person, they are requested to first allow ACBC to fully consider the nature of the complaint to fully respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the complainant should inform the Campus Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances the ACBC Chief Executive Officer will advise of an appropriate party independent of ACBC to review the complaint outcome (and its subsequent handling) and provide advice to ACBC in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by ACBC as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the ACBC appoints or engages an appropriate independent person to review a complaint, the ACBC will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation they nominate to undertake the review, the ACBC may seek the person making a complaint to contribute to the cost of engaging this person to undertake the review. This is advised to the person making a complaint within the Learner Handbook.

Where a complaint is received by ACBC and the Chief Executive Officer feels that they may be biased or there is a perception of bias, then the complaint is to be referred directly to an independent third-party for consideration and response as outlined above.

#### **Unresolved Complaints**

At full conclusion of the complaint handling process where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person making a complaint is to be directed to the following external agencies:

- In relation to consumer related issue, the person may refer their complaint to the **Office of Fair Trading**.



- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is communicated to learners within the Learner Handbook. It is expected that the above agencies will investigate the persons concerns and contact the ACBC for information.

The ACBC is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading or ASQA that may investigate the handling of a complaint. ACBC considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within ACBC internal arrangements.

### **Record Management of Complaint Records**

Records relating to complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by ACBC. There is also a record of the complaint maintained within the ACBC student management system RTO Data. This includes the details about the complaint and a diary log which records the progress of the complaint handling and closure. This record also records identified opportunities for improvement that result from complaints handling. All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the ACBC file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on RTO Data are to be accessible only to RTO data administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

### **Period of retention of Complaints Records**

ACBC is to retain records relating to complaints handling for a minimum of five (5) years.

### **Destruction of Complaints Records**

Australian Careers Business College CEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.



## **Complaints Handling Process**

