



## **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.

### **What is a complaint?**

A complaint is negative feedback about services or staff which has not been resolved locally. 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. Complaints may be made by any person but are generally made by students and/or employers.

### **What is an 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 within 28 days of informing the student of the decision or finding.

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

Complaints and Appeals 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.



ACBC undertakes to apply the following principles to its complaints and appeals handling:

### **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, where possible. Sometimes, it will not be possible and in these cases, you are encouraged to come forward and inform us of your concerns with the confidence that you will be treated fairly.

### **Procedure**

This procedure can be utilised by students, including potential students, enrolled, or seeking to enrol, in a qualification with ACBC to submit a complaint of an academic or non-academic nature. Complaints of an academic nature include matters related to student progress, assessment, curriculum and awards in a VET course of study. Complaints of a non-academic nature cover all other matters including complaints in relation to personal information that ACBC holds in relation to the student.

During all stages of this procedure, ACBC will take all steps to ensure that:

- the complainant and the respondent will not be victimised or discriminated against;
- the complainant has an opportunity to formally present their case and each party to the complaint may be accompanied and assisted by a support person at any relevant meetings;
- a full explanation in writing for decisions and actions taken as part of the process will be provided to the complainant or the respondent;
- where the internal or external complaint handling or appeal process results in a decision that supports the complainant, ACBC will immediately implement any decision and/or corrective and preventative action required and advises the complainant of the outcome.
- A written record of all complaints and appeals is to be kept by ACBC including all details of lodgment, response and resolution.
- There is no cost to the complainant for utilising this complaint and appeals process.

### **Before an issue becomes a formal complaint**

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. The administration support staff are available to assist students to resolve their issues at this level.

### **Stage One – Formal Complaint**

Formal complaints must be submitted in writing to the Campus Manager using a *Student Complaint/Appeal Form* available from Administration. Receipt of the complaint will be acknowledged



within 5 working days and the complaints process will commence within ten days of the receipt of the written complaint and all reasonable measures will be taken to finalise the process as soon as practicable.

The Campus Manager, or their nominee, will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve. Such clarification may be sought by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview the complainant or respondent may ask another person to accompany them.

The Campus Manager, or their nominee, will then endeavour to resolve the complaint and provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision, within 10 working days. The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal complaint.

### **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 or committee 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 10 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**

If the complainant is dissatisfied with the outcome of their appeal, they may make a written request to ACBC that they wish the matter be dealt with through an external dispute resolution process facilitated by an independent third party mediator acceptable to both parties.

An independent mediator will be accessed within 14 working days. It is then up to the mediator, the complainant and ACBC to resolve the complaint. ACBC will bear any costs related to mediation. The complainant or the respondent may ask another person to accompany them to meetings with the mediator.

The mediator will report to the CEO, or their nominee, the outcome of the mediation, including any recommendations arising, within 14 days of the completion of the review. Once the CEO or their nominee receives the report of the outcomes from the discussion or mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the complaint. ACBC



agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report.

### **VET Student Loans Ombudsman**

The establishment of a VET Student Loans Ombudsman on 1 July 2017 does not remove the requirement for providers to have a decision on appeal reviewed by an appropriate external independent person. The VET Student Loans Ombudsman will act as the external dispute resolution body to conduct investigations, and make recommendations in relation to VET loan assistance (i.e. VET Student Loans and VET FEE-HELP) and compliance by VET providers with the Act, the HESA and any legislative instruments under either of those Acts. The Ombudsman will report on its investigations and recommend that providers and others take action, or stop certain behaviour, to address identified problems and provide redress to affected students.

For matters which do not fall within the scope of the VET Student Loans Ombudsman's jurisdiction (for example matters relating to personal information held by the provider or matters that do not relate to loan assistance disputes), the provider must ensure that the external stage of the grievance procedure makes appropriate provision for external and independent review.

This agreement and the availability of the complaints and appeals processes do not remove your right to take action under Australia's Consumer Law (effective 1 January 2011). Students seeking to make an external complaint about any administrative decision should do so after following the Colleges appeals processes by contacting:

### **NSW Fair Trading**

Telephone 13 32 20

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

For complaints relating to an alleged breach of the colleges' APP Privacy Policy, students should use the college's prescribed internal processes for managing complaints as described in this student handbook. If unsatisfied with the handling of a complaint related to privacy, the individual should contact the Office of the Australian Information Commissioner to commence external complaint proceedings. Details of how to make a complain externally can be found on the website of the Office of the Australian Information Commissioner <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>

If a complaint remains unresolved after the external appeal through Fair Trading, the complainant shall be referred to the National Training Complaints hotline:

Consumers can register a complaint with the National Training Complaints Hotline by Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.

**Email:** [skilling@education.gov.au](mailto:skilling@education.gov.au)



The National Training Complaints Hotline uses the services of the Translating and Interpreting Service and National Relay Service.

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 of any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. In addition, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

### **Enrolment status**

Where a student chooses to access this policy and procedure, ACBC will maintain the student's enrolment while the complaint handling process is ongoing.

### **Record keeping & confidentiality**

A written record of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least 5 years to allow all parties to the complaint appropriate access to these records, upon written request to the Director of Studies. These records will be maintained at 28 Memorial Avenue, Liverpool, NSW 2170.

All records relating to complaints will be treated as confidential and will be covered by ACBC's APP Privacy Policy.