

Standard

This Policy and Procedure relates to:

1. Standards for Registered Training Organisations (RTOs) 2015
 - (i) Standard 6 Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively
2. NSW Smart and Skilled Contract Section 7 (n)
3. NSW Smart and Skilled Operating Guidelines Section 3 Provider Consumer Protection Policy
4. NSW Smart and Skilled Consumer Protection Strategy
5. NSW Smart and Skilled NSW Quality Framework

Purpose

This policy establishes the principles and processes by which SGSCC will investigate, hear and determine complaints and appeals in a fair, equitable and confidential manner with regard for college rules.

Scope

All students enrolled in a course of study are entitled to access the grievance procedures set out in this policy, regardless of the location of the campus at which the academic grievance has arisen, their place of residence or the mode in which they study. This policy also applies to persons who investigate, hear and determine grievances and appeals.

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

What is a complaint?

A complaint is generally negative feedback about services or staff which has not been resolved locally. A complaint may be received by SGSCC 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 the decision or finding is informed to the student.

Early resolution or complaints and appeals

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.

Relationship to continuous improvement

Frequently, the complaints and appeals handling process will expose weaknesses in the training and assessment system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints and appeals handling is very positive and should be actively applied by all persons involved.

Examples of Complaints

A written complaint where a student or prospective student believes they have received unreasonable treatment in relation to matters such as:

- Academic progression
- Assessment and grading matters
- Course content, structure or delivery
- College decisions in relation to academic misconduct
- Supervision of work placements
- Copyright or intellectual property
- Conduct of SGSCC staff, trainers, assessors or other students

Grounds for Lodging a Complaint

There are only four grounds for lodging a Complaint:

1. Performance in an assessment suffered through illness or other factors which the student was unable or, for valid reasons, unwilling, to disclose before the results were awarded. A grievance under such grounds will normally be dismissed unless an acceptable explanation is given for not presenting the extenuating circumstances in advance of the results having been awarded.
2. An assessment was not conducted in accordance with the college **Assessment Policy** or approved college regulations.
3. There was a material administrative error in the calculation of an assessment marker or grade.
4. Some other material irregularity occurred in making an academic decision such as bias.

SGSCC will not accept academic complaints based on the following claims

- Being unaware of the assessment regulations and procedures
- Being unaware of the grievance and appeals procedure, or their rights and responsibilities
- Not knowing how to present extenuating circumstances
- The unit structure and assessment method
- Student workload or the amount of work the student has done
- The financial implication of failing a unit
- Grades received by the student in other units
- Penalties imposed for poor attendance or academic integrity such as plagiarism
- The need for more marks to achieve a pass or better grade in the unit

Timeframe for Lodging an Academic Complaint

An academic complaint must be lodged no later than 14 working days after the academic related incident or the formal publication of results (grades) for the trimester.

Principles of the Policy

Complaints, grievances and appeals in relation to academic matters will be addressed based on their particular circumstances but will adhere to the following general principles:

- **Availability.** Students and prospective students can access the grievance procedures. The policy can be located at <http://workskills.sgsc.edu.au/study-us/accredited-course-information>
- **Timeliness.** All complaints, grievances or appeals must be made in a timely manner, will be dealt with in a timely manner and will progress through informal and formal stages according to this policy. Where SGSCC believes that the appeals process will take more than 60 days to process the SGSCC Workskills Manager will inform the Complainant or Appellant in writing, including the reasons why more than 60 days is required. The Workskills Manager will regularly update the Complainant or Appellant via Email of the progress of the matter.
- **Confidentiality.** All parties to a complaint, grievance or appeal have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person) if they so desire.
- **Without Disadvantage.** The parties to a complaint, grievance or appeal will not be victimised or discriminated against during any stage of the grievance process as set out in this policy. Where the Complainant or Appellant is a student, their enrolment status will be maintained and the student must continue their studies during the grievance or appeals process, except where their health or safety is potentially at risk or poses a health or safety risk to others.
- **Procedural Fairness.** All grievances will be addressed based on their particular circumstances and subject to the principles of natural justice.

- **Support.** All complaints, grievances and appeals will be treated with confidentiality at all times access to information in relation to the grievance will be provided only to staff on a 'need-t-know' basis in order to deal with the grievance.
- **Resolution.** The college expects most complaints can be resolved with informal resolution (Stage 1). Informal resolution provides the best opportunity for open and direct dialogue and is the most time effective strategy.
- **Record keeping.** All matters arising from the complaint, grievance and/or appeal proceedings shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with the College Privacy Policy.
- **Access.** All parties to a complaint, grievance or appeals proceedings will be allowed supervised access to all records to that complaint, grievance or appeal on written request to the Office of the Registrar.
- **Cost.** The cost of the Stages 1-4 of the grievance process will be free of charge. The cost of external appeal (Stage 4) will be borne by the Appellant but reimbursed by the college if found in the Appellants favour.

Complaints & Appeals Procedures for Academic Matters

The college framework for dealing with academic grievance matters is broken down into four stages of resolution designed to process and determine complaints, grievances and appeals in a timely manner, with fairness and protection for all parties concerned

Stage 1: Informal approach to the person directly involved

Stage 2: Lodging a formal grievance with the Office of the Registrar

Stage 3: Lodging an internal appeal to the Appeals Committee

Stage 4: Making an external appeal to an External Reviewer

Complaints are encouraged to seek to the resolution of any academic matters informally with the person(s) directly involved (Stage 1) before initiating a formal grievance resolution under Stage 2.

During the grievance process, a student's enrolment status will be maintained and the student must continue their studies for the duration of the process, except where their health or safety is potentially at risk or the matter poses a health or safety risk to others.

Stage 1: Informal approach to the person directly involved

In the first instance, complaints should be discussed with the person(s) involved in an attempt to settle the matter directly. When trying to settle a complaint directly with the person(s) involved, the Complainant should:

- Clearly identify the issue (complaint)
- Outline a process to resolve the issue
- Propose an outcome with they believe will settle the matter

However if the circumstances is such that direct discussion is impracticable, or the Complainant has concerns about approaching the person(s) directly, then the complaint should be submitted within 14 working days of the event or the publication of results (grades) Workskills Manager via Bmills@sgscc.edu.au

- Clearly identifies the issue
- Outlines a process to resolve the issue
- Proposes an outcome which they believe will settle the matter

The Workskills Manager will acknowledge receipt of the complaint within forty eight hours of receipt of the email and refer the matter to appropriate member of staff.

This arrangement is free of charge, and where an email is sent to the office of the Workskills Manager, every effort will be made to advise a decision within 14 working days of the email being received.

If this informal approach does not lead to an acceptable resolution then a formal grievance process can be initiated under Stage 2 by emailing the Workskills Manager at Bmills@sgscc.edu.au with a request to move to Stage 2 with form WS 195 Grievance & Complaints.

Stage 2: Lodging a formal grievance with the Workskills Manager**a) Submit a request to move to Stage 2**

Responsible: Complainant

Complainants wishing to lodge a formal academic grievance must do so in writing by emailing within 5 working days of college email advising the outcome of the complaint to the Workskills Manager.

The email must provide the following information to assist with investigation and the determination of a reasonable resolution:

- A clear description of the grievance, including date, location and persons involved
- A summary of the processes and steps taken to date to try and resolve the grievance informally
- A proposed resolution which they believe will settle the grievance or proposed resolution

The email with any supporting documentation attached, should be submitted to the Workskills Manager.

A complaint may withdraw an academic grievance at any stage by giving written notice to the Workskills Manager.

b) Review and consideration of the formal grievance**i) Check informal grievance for completeness and acknowledge receipt**

Responsible: Workskills Manager

The grievance is checked for completeness by the Workskills Manager at the time of submission. The Workskills Manager will acknowledge receipt of each completed application at the time of submission and will action within forty eight hours of acceptance.

ii) Referral of the matter to a Workskills Manager

Responsible: Workskills Manager

The Workskills Manager will record the grievance received in the Grievance & Appeals Register. Grievance proceedings may not be run concurrently. Where a grievance is lodged for the purpose of delaying another proceeding, it may be dismissed on the grounds that it is frivolous and lacking substance.

iii) Investigation of the grievance

Responsible: Workskills Manager

The Workskills Manager will commence their investigation into the matter within five working days of the acceptance of the Request for Stage 2 in accordance with the college **Complaints & Appeals Policy**. The Workskills Manager will attempt to resolve the situation through investigation and conciliation and they may also refer the Complainant to the appropriate support services during this process.

In conducting their investigation, the Workskills Manager will engage in a number of activities to gather and test information in relation to the matter, such as but not limited to:

- i. A review of college policy and/ or procedure
- ii. A review of course materials, assessments and or/ evaluations
- iii. Interview and discussions with other members of staff and/ or students
- iv. A formal meeting with all or some of the parties to the grievance
- v. Seek external expert advice

The Workskills Manager will maintain a file of all correspondence and communication in relation to their investigation of the grievance.

If the Workskills Manager is unable to investigate the grievance due to insufficient information or clarity of information, the Complainant will be advised in writing within five days of the acknowledged receipt of their Request for Stage 2 outlining what is required for investigation to continue.

iv) Determination of the decision and outcome(s)

Responsible: Workskills Manager

The Workskills Manager will conclude their investigation within fifteen working days of the acceptance of the completed Request for Stage 2 and will advise their decision and the outcomes within five working days of the completion of the investigation:

- If, in the opinion of the Workskills Manager the grievance is frivolous or unjustified, the decision will be communicated to the Complainant within ten working days (including reasons for the decision and the Complainants right to appeal. The matter will be considered closed).
- If, in the opinion of the Workskills Manager, the grievance is justified, they may call a conciliation meeting with all parties concerned for the purpose of open dialogue and agreeing resolution(s). the conciliation meeting must take place within fifteen working days of the acceptance of the completed *Formal Grievance Form*.

Where the conciliation meeting(s) reaches mutually agreeable resolution, these outcomes will be communicated in writing to all parties involved within five working days of the final meeting. The matter will be considered closed.

Where conciliation meetings are held but no resolution is reached, the Complainant will be advised in writing of the Workskills Manager's decision as to the best solution available and their right to appeal. The matter will be considered closed.

c) Notification of the decision and offer of resolution

Responsible: Workskills Manager and Compliance

In all cases, SGSCC will provide a written communication to the Complainant advising the outcomes of any grievance investigation, offer of resolution, the reasons for the decision and their right to appeal.

The Workskills Manager will draft the appropriate communication via a letter and recording the outcome with explanation on the Student Management System Oncourse.

d) Respond to the Grievance Outcomes

Responsible: Complainant

The Complainant must accept or decline any offer of resolution within ten working days of the date of their *Grievance Outcome Letter*.

i. The Complainant accepts the college decision and offer of resolution

If the Complainant accepts offer of resolution at outlined in their *Grievance Outcome Letter*, they must formally accept the college decision and acknowledge their understanding of any implications, by signing and returning a copy of the letter to the Workskills Manager.

On receipt of the signed acknowledgement, the resolutions will be implemented immediately. The implementation of the accepted resolutions will be managed by the Workskills Manager and Compliance.

ii. The Complainant rejects the college decision and offer of resolution

Complainants have the right of appeal if they believe their grievance has not been adequately resolved.

If the Complainant rejects the offer of resolution as outlined in their *Grievance Outcome Letter*, they may appeal the college decision to the Grievance & Appeals Committee. The appeal must be submitted in writing to the Principal of SGSCC.

Stage 3. Lodging an internal appeal to the Appeals Committee

Grounds for Lodging an Internal Appeal to the SGSCC Principal

An appeal against a determination as a result of a formal academic grievance process (Stage 2) may be made on the following grounds:

1. The Workskills Manager for the matter has not communicated a decision within twenty-five days of the acceptance of the *Formal Grievance Form* in relation to the grievance.
2. There is new evidence of a relevant nature that was not available during the process at Stages 1 and 2.
3. The determination was made without due consideration of the facts, evidence or circumstances.
4. There was a bias, prejudice or a conflict of interest by the Workskills Manager.
5. A significant irregularity of policy or procedure occurred during the investigation.

SGSCC will not accept an appeal against a determination when the "Application for Appeal" has been made outside the time allowed for the lodgement of an appeal or where the appeal is based on the following claims:

- The unit structure and assessment method
- Student workload or the amount of work the student has done
- The financial implication of failing a unit
- Grades received by the student in other units
- Penalties imposed for poor attendance or academic integrity such as plagiarism
- The need for more marks to achieve a pass or better grade in the unit

The Appeals Committee

The Principle of SGSCC will form an Appeals Subcommittee consisting of departmental manager and team leaders. The committee will consist of 4. The Appeals Committee is a sub-committee of the SGSCC Managers and shall comprise of four persons, each whom has had no prior involvement in the matter being heard.

All members of the Appeals Committee are required to declare any conflict of interest in relation to any matter brought before the Appeals Committee where a conflict exists. Where a conflict of interest exists, the member may be required to withdraw from hearing that particular matter and Chair of the Appeals Committee will nominate an alternate.

The Appeals Committee shall hear the appeal within ten working days of receipt in accordance with the procedures detailed below.

The decision of the Appeals Committee shall be final. If necessary the Appeals Committee Chair shall have a casting vote. The Appeals Committee Chair shall seek to ensure that any actions arising from the decision of the Appeals Committee are taken within the timescale identified in the report and shall report any failure to complete actions to the Academic Board.

a) Lodging an appeal application to the Workskills Manager

Responsible: Appellant and Workskills Manager

i) Timeframe for the lodgement of an appeal

Where the Appellant is appealing the decision of the Workskills Manager, they must lodge an '*Application to Appeal*' form within twenty days of the receipt of their *Grievance Outcome Letter*.

Where the Appellant is appealing the lack of decision by the Workskills Manager within the required timeframe, they must lodge an '*Application to Appeal*' form within thirty working days of the acceptance of their *Formal Grievance Form*.

ii. Submitting an appeal application form

Appellants wishing to lodge an appeal to the Appeals Committee must do so in writing to the SGSCC Principal. The appeal letter must provide the following information to assist with investigation and determination of resolution:

- A clear description of the grievance, including date, location and persons involved
- A statement of their grounds for appeal
- A proposed outcome which they believe will settle the issue
- Attach any documentation in support of the grievance or proposed outcome

The Appeals Letter, with any supporting documentation attached, should be submitted to the Principal.

iii. Check application for completeness and acknowledge receipt

Responsible: Principal

The appeal application is checked for completeness by Principal at the time of submission. All forms are required to be completed, signed and it is the responsibility of the Appellant to provide a clear description of the grievance and the reasons for their appeal and take a copy of the form being submitted. The Principal will acknowledge receipt of each completed application at the time of submission and record the appeal in the Grievance & Appeals Register.

The Principal will forward the completed application to the Appeals Committee Chair within forty eight hours of acceptance.

b) Assessment of the Appeal

Responsible: Appeals Committee Chair

The Appeals Committee Chair will review the appeal within ten working days of acceptance of the completed appeal application in accordance

with the college **Grievance & Appeals for an Academic Grievance Policy** and will make one of the following determinations:

i. Accept the appeal for hearing and determination.

See item d) Acceptance of an Appeal Application below

ii. Refer the appeal to the Workskills Manager reconsideration where new evidence has been presented at the internal appeal stage

Where the appeal is referred to the Workskills Manager for reconsideration, the Workskills Manager will review the appeal and either reconfirm the initial decision or overturn the initial decision. The Appellant will be advised of the decision in writing within ten working days.

c) Acceptance of an Appeal Application

Responsible: Appeals Committee Chair, Appellant

Where the appeal is accepted for hearing and determination, the Appeals Committee Chair will advise the Appellant and all relevant parties in writing within five working days of the following:

- The accepted grounds for appeal
- The date, time and location of the appeal hearing which will be not less than ten working days from the date of the letter
- The deadline for the submission of any additional evidence by any relevant party which must be no later than seven working days prior to the hearing date
- The right of all relevant parties to bring a support person of their choosing, but not legal representation unless with the consent of the Appeals Committee Chair

The Appeals Committee Chair will forward the appeal and all related documents to the members of the Appeals Committee and the Appellant five working days before the hearing date.

d) The Hearing

Responsible: Appels Committee, Appellant

The Appeals Committee Chair will be responsible for conducting the appeal proceedings to meet the circumstances of the case and the requirements of natural justice.

The Appellant will be provided the opportunity to address the Appeals Committee, and their support pension may assist them to state their case.

Any party to the appeal may request an adjournment. The Appeals Committee will consider any such request and determine as the Committee sees fit to meet the circumstances of the case and the requirements of natural justice.

e) Decision by the Appeals Committee

The Appeals Committee may determine the appeal on the same day as the hearing or may reserve its decision to a later date.

In determining their decision, the Appeals Committee shall establish the exact nature of the grievance, establish the facts as far as it is possible to do so and consider the evidence presented at the hearing. The decision of the Appeals Committee on any matter shall be by a majority vote, with each member of the Committee entitled to one vote. If necessary, the Appeals Committee Chair will have the casting vote and the decision of the Appeals Committee shall be final.

The Appeals Committee Chair will report its decision in writing to the Office of the Registrar within five working days, with copies to all relevant parties.

f) Enforcement of the decision

The Appeals Committee Chair will seek to ensure that any actions arising from the decision of the Appeals Committee are taken within the timescale identified in their written determination and shall report any failure to complete actions to the Academic Board.

Stage 4. Lodging an appeal for External Mediation & Dispute Resolution

Domestic Students

If the Appellant is dissatisfied with the outcome of the internal appeal process by the Appeals Committee, they may elect for the matter to be resolved through external mediation.

The external mediation and dispute process will be facilitated by Resolution Institute resolvers. SGSCC is a member of both their domestic and international Student Mediation Schemes.

Appellants who wish to lodge an external appeal for mediation should contact Resolution Institute and they refer them to a suitable mediator to being the process of dispute resolution.

Contact Details:

Resolution Institute
Level 1, 13 Bridge Street
Sydney NSW 2000
Toll-free call 1800 651 650
International call +61 9251 3366
Leadr@leadr.com.au
www.leadr.com.au

The Appellant may ask another person to accompany them to meetings with the mediator. The support person however is not the primary party and is only able to speak at the External Mediator's discretion.

SGSCC agrees to participate in the mediation process and be bound by the recommendations of the External Mediator. The Principal will ensure that recommendations are followed within fourteen working days of receipt of the External Mediation Report.

The referral service is offered by Resolution Institute is free of charge. The External Mediator will charge a fee for their service which is to be

borne by the Appellant however SGSCC will reimburse these costs if the recommendations are found in the complainant's favour.

If an academic grievance still remains unresolved after the external mediation and dispute resolutions process, the Appellant may decide to refer the matter to an external agency, such as the Administrative Appeals Tribunal, NSW Ombudsman.

International Students

International students who wish to lodge an external appeal against the internal appeal process by the Grievance & Appeals Committee may contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for international students who wish to lodge an external appeal against a decision made by their higher education provider.

Contact Details:

Overseas Student Ombudsman
GPO Box 442
Canberra ACT 2601
Toll-free call 1300 or (+612 6276 0111)
ombudsman@ombudsman.gov.au
www.oso.gov.au

Person Responsible:

Workskills Manager
Compliance Manager
Principal

Flowchart of Grievance & Appeals Process at SGSCC

