



**Complaints and Appeals
Policy**

Date	Version	What changes	Approval
April 2016	1.0	Creation of document	CEO
July 2016	1.1	Changes to include wording to reflect SNR 6.3	
2018	1.2	Scope	
2019	1.3	<p>Changes to wording to reflect issues and complaints which have occurred in 2018 as well as VSL</p> <p>Changes to process to include Part C meeting notes and Part D</p> <p>Changes to wording as follows:</p> <p>Updated to reflect recent complaints and discussions regarding committee Name of committee changed from Management to Academic Committee Change from “Name of person receiving complaint” to “Name of person receiving or Recording complaint”</p>	CEO

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Introduction

It is a requirement that all applicants have the right to complain or appeal against about any issues they have with AIHE Assessment or Training.

Scope

In scope

Any complaints in terms of the following is considered:

- Any complaints by a student about any of the courses in general, including
 - Any complaint by a student about a trainer or assessor
 - materials or assessments
 - Fees
 - Marketing materials

Out of scope

The following issues are not considered grievances within the scope of this policy:

- Maintenance issues (such as broken furniture or equipment). These should be referred to a member of staff.
- Accidents/incidents (such as tripping, slipping, burning).
- Appeals against results (for example, failing a unit or getting a low grade in an assignment). Issues should be discussed with teachers and if required a formal appeal can be made to the Department head.

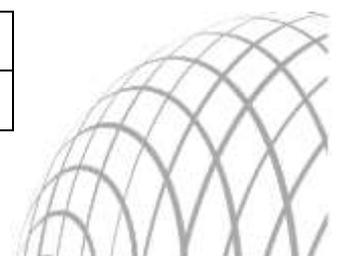
Policy principles

The institute will deal with grievances according to the following principles:

- Grievances will be resolved informally where possible
- Grievance will be resolved as close as possible to the source of dissatisfaction
- Grievance procedures will be widely advertised
- People will be given the details of any allegation against them and will have the opportunity to put their side of the story before a resolution is attempted
- Proceedings should be conducted honestly, promptly and without bias.
- Issues that are of a criminal or legal nature may be referred to the police or appropriate legal agents.
- Initiating a grievance procedure which is adopting the principles of natural justice and procedural fairness by:
 - informing those involved of the allegations
 - providing those involved an opportunity to present their side of the matter
 - operating in a fair and unbiased way
 - ensuring information is publicly available
 - including a procedure for submitting a complaint or appeal

Any student, staff member or person involved with the institute can express a grievance about any person, procedure or event associated with the institute.

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Standards for which this document apply

ASQA legislative context

The Standards for VET Regulators 2015, made under section 189 of the National Vocational Education and Training Act 2011 (the Act), requires ASQA to implement process and policy of Record Control. The Standards for which this policy apply are as follows:

Clause 1.7 - Support learners

The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.

Standard Two- The operations of the RTO are quality assured.

Context

The RTO is ultimately responsible for ensuring quality training and assessment within their organisation and scope of registration, regardless of any third-party arrangements where training and/or assessment is delivered on their behalf. This includes where the RTO subcontracts the delivery of services to a third party and the third party further subcontracts the delivery of services, but the AQF certification documentation will be issued by the RTO. The RTO must have a written agreement with any party that delivers services on its behalf.

The RTO is responsible for developing, implementing, monitoring and evaluating quality training and assessment strategies and practices that meet training package and VET accredited course requirements. Evaluating information about performance and using such information to inform quality assurance of services and improve training and assessment is sound business and educational practice. The information used to evaluate RTO performance must be relevant to the operating characteristics and business objectives of the RTO and will vary from one RTO to another.

Standard Four- Accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients.

Context

The RTO is ultimately responsible for ensuring transparent and accurate information about RTO services and performance is accessible to prospective and current learners and clients of the RTO, regardless of any arrangements to have this information distributed on behalf of the RTO.

Transparent and accurate information about RTO services and performance enables prospective and current learners and clients to make informed decisions regarding their training and/or assessment needs.

The information about RTO services and performance provided by the RTO must be relevant to and reflect the needs of the client which will vary from RTO to RTO

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Standard Five -Each learner is properly informed and protected.

Context

In order to ensure that learners are adequately informed about the services they are to receive, their rights and obligations, and the RTO's responsibilities under these Standards, the RTO must provide learners with information prior to commencement of services including any third party arrangements affecting the delivery of training and/or assessment. This is to occur regardless of the manner in which the learner has been engaged, and whether the learner was initially engaged by the RTO itself or a third party.

The RTO is to provide or make readily available information to the learner that outlines the services the RTO will provide the learner, along with the rights and obligations of the learner and the RTO.

The RTO may provide information to the learner through one or more documents, for example an enrolment form, policy, employment contract or agreement, induction handbook or documented practice, training plan or training contract.

Standard Six-Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

Context

RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards.

Enterprise RTOs and volunteer associations that do not charge fees for the training and/or assessment and only provide training to employees or members are not required to maintain a separate complaints and appeals policy in relation to their training and assessment. These organisations must ensure, however, that their organisation's complaints policy is sufficiently broad to cover the activities as an RTO.

Policy Guidelines

AIHE expects that students who attend the Graduate Diploma courses or any course which is conducted, will already have received information about the course, including training and assessment, expected hours of work and other areas as required, including any notification for VS Loans

AIHE recognizes the need for students, staff and other clients to have confidence that the institute will deal with grievances in a fair and equitable manner based on procedures that are appropriate, accessible and easily understood.

The institute describes a grievance as a complaint arising from any situation within the control of the institute, which causes a student or staff member serious discomfort, concern or distress.

Policy

1. Confidentiality

- 1.1. In accordance with the institute privacy policy, all parties involved in the grievance procedure will maintain complete confidentiality –unless approval to disclose is granted – and respect for the policy of others.

2. Complaints Procedures Relating to Academic Matters

- 2.1. AIHE believe that it is advantageous for complaints to be resolved wherever possible and appropriate, at the local level with a minimum of formal procedures.
- 2.2. Any students who feel they have been unfairly dealt with in relation to an academic matter should commit to paper the exact reason for concern, making a note of instances and when they

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- occurred. Such complaints and grievances from students will be directed to the Director of Studies. AIHE has the rights to prescribe Academic Rules and disciplinary measures.
- 2.3. The following complaints procedure will be used in dealing with complaints made by AIHE students relating to academic matters:
 - a) The student and the Director of Studies meet and confer on the matter (within 5 working days of the initial receipt of the complaint); and
 - b) If the matter is not resolved at such a meeting, the parties shall arrange for further discussion between the student and their nominated representative, if any, and more senior levels of management (within 5 working days of meeting (a));
 - c) If the matter cannot be resolved it may be referred to Principal of AIHE (Within 5 working days of the meeting (b));
 - d) If the matter cannot be resolved it may be referred to a mediator through AIHE independent grievance handling/dispute resolution process (within 10 working days of meeting).
 - 2.4. While the parties attempt to resolve the matter the student will continue to attend classes as normal unless the student has a reasonable concern about an imminent risk to his or her health and safety.
 - 2.5. AIHE will deal with reported complaints as expeditiously as the circumstances of the complaints allow. This dispute resolution process does not circumscribe a student's rights to pursue other legal remedies.

3. Complaints Procedures Relating to Non-Academic Matters

- 3.1. AIHE believes that it is advantageous for complaints to be resolved, wherever possible and appropriate, at the local level with a minimum of formal procedures.
- 3.2. Students, or persons who seek to enrol in a course of study at AIHE, who feel they have been unfairly dealt with in relation to a non-academic matter should write to the Principal outlining the exact reason for concern, making a note of instances and when they are entitled to access this grievance procedure. Such complaints and grievances will be directed initially to a Student Liaison Officer.

4. Appeals Process

- 4.1. An appeals and reassessment process is an integral part of all training and assessment pathways leading to a nationally recognized qualification or Statement of Attainment under the Australian Qualification Framework and in accordance with the Australian Quality Training Framework.
- 4.2. A fair and impartial appeals process is available to all students of AIHE. If a student wishes to appeal his/her assessment result, he/she must first discuss the issue with the trainer/assessor.
- 4.3. If the student would like to proceed further with the request after discussions with the trainer/assessor a formal request is made in writing outlining the reason(s) for the appeal.

5. Grounds for Appeal

- 5.1. An application for appeal will be considered where:
 - A student claims a disadvantage because the trainer did not provide a subject outline
 - A student claims disadvantage because the trainer varied without consultation or in an unreasonable way the assessment requirements as specified in the subject outline
 - A student claims disadvantage because assessment requirements specified by the trainer were unreasonably or prejudicially applied to him or her

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- A student is of the view that a clerical error has occurred in the documenting of the assessment outcome
 - A student claims that there is a discrepancy between the practical observation and the formal assessment.
- 5.2. If the appeal for re-assessment is proven, AIHE will appoint an independent assessor who will make all necessary arrangements to conduct the re-assessment of the student at a time that is mutually convenient for all parties concerned.

6. External Complaints Process

- 6.1. Students who are not satisfied with the result or conduct of AIHE’s internal complaints and appeals process may access an external and independent body to hear the complaint or appeal.

7. International Students (where applicable)

- 7.1. The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The Overseas
- 7.2. Students Ombudsman provides a free, independent and impartial service. The Ombudsman does not represent either overseas students or private education providers and can make recommendations arising out of investigations.
- 7.3. Students who access the external appeal process should be aware that AIHE may be requested to disclose information that is private and personal to the student and, by accessing the external appeal process, the student consents to the disclosure of such private and personal information by AIHE.
- 7.4. Students may also take action under Australia's consumer protection laws and, where a student does so, the student is deemed to have accessed AIHE’s Complaints and Appeals Process. This can be done through the Department of Fair Trading.
- 7.5. All complaints and appeals are recorded and reviewed at the next available Management Meeting. Results of all appeals are communicated in writing to the student and a copy of this communication is also kept on file, both on the complaints and appeals register and in the student’s individual file.

8. Independent Advice

- 8.1. The complainant will also be provided with the contact details listed below for the Office of Consumer and Business Affairs (OCBA). The complainant will be advised that the Office of Consumer and Business Affairs (OCBA) can provide information and advice regarding complaints and will offer prompt attention, confidentiality, respect, fairness, impartiality, recognition of rights, and free consultation.

Office of Consumer and Business Affairs (OCBA)

McKell Building
2-24 Rawson Place
Sydney NSW 2000

9. Privacy Policy

- 9.1. AIHE, including its operation as a Registered Training Organisation, has made it’s Privacy Policy clearer to reflect recent changes to Australian Privacy Laws and to ensure we are committed to

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and compliant with the Australian Privacy Principles (APPs) which came into effect on 12 March 2014.

- 9.2. AIHE complies with the Privacy Act 1988 (Commonwealth) and subsequently in accordance with the thirteen APP's outlined in Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012, which prescribe and mandate the way organisations must collect, manage, use, secure, disclose and dispose of personal and sensitive information.
- 9.3. AIHE is committed to protecting the privacy of clients personal information and we treat any information collected and retained with the respect and importance it deserves. AIHE will be honest and transparent in relation to the way we manage clients information.
- 9.4. Our Privacy Policy explains how we handle clients personal information, including how it is used and potentially disclosed, importantly how it is stored and secured and additionally how clients can access and update clients personal information.
- 9.5. This policy only applies to our databases and files and does not cover any State, Territory or Commonwealth Government database or file. Clients are advised to contact the relevant government agency for a copy of their privacy policy.

10. Why we collect personal information?

- 10.1. We collect personal information in order to provide the client, with access to our training and associated services, and so we can better understand how we can improve our provision of services now and into the future. Additionally, a large component of what we do as an RTO in particular, requires us to collect personal information for mandatory statistical data as prescribed by government regulators.
- 10.2. AIHE will only collect personal information that is required for the purposes of employment or education, or in meeting government reporting requirements and it will only be used for the specific purposes for which it was collected.

11. What types of information do we collect in general?

- 11.1. So we can provide our range of services to clients, we may have to collect personal information deemed necessary for us to supply clients with the service clients have requested.
- 11.2. The information we collect is defined under the current legislation as **personal** and **sensitive**, and information collected by AIHE may fall into both categories. The following specific guidelines as defined in the Privacy Act are as follows:
 1. **Personal information:** "information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not."
 2. **Sensitive information:** "(a) information or an opinion about an individual's: (i) racial or ethnic origin, or (ii) political opinions, or (iii) membership of a political association, or (iv) religious beliefs or affiliations, or (v) philosophical beliefs, or (vi) membership of a professional or trade association, or (vii) membership of a trade union, or (viii) sexual preferences or practices, or (ix) criminal record, that is also personal information; or (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information; or (d) biometric information that is to be used for the purposes of automated biometric verification or biometric identification; or (e) biometric templates".

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- 11.3. In general terms, information collected will include:
3. Solicited information: contact information such as name, organisation, position, address, telephone, and email, employment and educational histories, referees reports, date of birth and marital status.
 4. Information collected by AIHE which may be regarded as sensitive:
 - 'Disability' and 'long-term impairment status' (health); and 'indigenous status', 'language spoken at home', 'proficiency in spoken English', 'country of birth' (implies ethnic/racial origin). This information is specified in NCVER statistical data elements and is collected for national data reporting requirements.
 - 'Dietary requirements' (health-related) are collected for event catering purposes only.
 - Biographical information, which may contain information on 'affiliations' and 'membership of a professional or trade association' are obtained from key note speakers for event marketing purposes and for training consultants involved with service delivery for the AIHE.
 - 'Health and work injury information' relating to the impact for clientsself as a client using AIHE services and our ability to provide a service to clients without breaching a Duty of Care.

No sensitive information will be collected without express consent.

12. What information do we collect using technology?

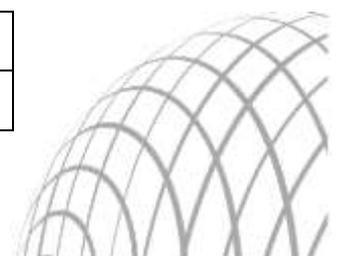
- 12.1. Our website is designed to give useful information in relation to our services and events. To track the use of our website and to continually develop it to meet client needs, we may collect information about who has accessed our site and which pages were viewed so as to determine overall use patterns. We only use such information collected for statistical purposes and do not attempt to identify individual users.
- 12.2. As part of this we may use 'cookies'. Cookies are used to track information about users of a website. They do not contain any information that could identify clients; they identify clients computer to our servers. Clients may set clients browser to refuse cookies if clients do not wish to allow their use. Some areas of our website may not perform properly if clients not accept cookies.

13. How do we collect clients information?

- 13.1. AIHE will make all endeavours where possible to collect personal information directly from clients. We will collect all personal information in writing in the first instance, either from an employment, registration, personal details or enrolment form that has come directly from clients.
- 13.2. AIHE will also collect personal information through direct marketing on its website via:
- 13.3. General enquiries contact form
- 13.4. AIHE will not collect any additional personal information other than for the purpose of ensuring we can deliver our services to clients and information will only be collected in a fair and lawful manner.
- 13.5. If AIHE receives personal information indirectly (unsolicited) from a party other than clients , AIHE will make a determination on whether the information needs to be retained in order to provide our services to clients as previously explained, or whether the information can lawfully be destroyed or de-identified.

14. Use and disclosure of personal information

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- 14.1. AIHE will make every effort to ensure that clients personal information remains confidential and secure and is only used for the primary purposes outlined in this document and only for any secondary purposes that clients have been made aware of and have agreed to.
- 14.2. AIHE will not disclose, reveal, sell, share or pass clients information onto a third party, without clients express permission. AIHE does not sell its mailing lists to third parties for marketing purposes.
- 14.3. In some specific instances however, clients information will need to be passed to a third party, these include:
- Australian Skills Quality Authority (ASQA)
 - Commonwealth Department of Education
 - Department of Immigration and Border Protection
 - The National Centre for Vocational Education Research (NCVER)
- 14.4. Only personal information required to comply with Federal or State based legislation for our scope of operation or Commonwealth contractual obligations, will be passed to these third parties and at no time will AIHE disclose any of clients personal information to overseas recipients.
- 14.5. If required to do so, AIHE may disclose personal information to law enforcement authorities when required or authorised under an Australian law or a court/tribunal order, or where it is reasonable to do so if there has been a threat to life or AIHE believes a criminal act or unlawful activity has been committed. AIHE may also disclose information if a permitted health condition exists or a health condition eventuates that may require emergency medical care for clients.

15. Direct Marketing policy

- 15.1. AIHE does not sell its mailing lists to third parties for marketing purposes and will not use clients information for purposes of direct marketing unless clients have given clients permission for this to occur. AIHE may use client testimonials on its website but they will not identify clients by name unless clients express permission has been given.
- 15.2. AIHE will send out newsletters and corporate event information to existing and previous clients and to businesses aligned with the AIHE. Anybody receiving information from AIHE in error or who does not wish to receive such information, can contact AIHE and request to have their name removed from AIHE mailing lists.

16. Government related identifiers

- 16.1. AIHE does not adopt or disclose a government related identifier of an individual as its own identifier, unless AIHE is authorised by law and prescribed by regulations to do so.
- 16.2. In the course of our provision of services as an RTO, the AIHE may use a government related identifier, for example, AIHE uses contracted training staff who operate as sole traders and we will collect an Australian Business Number (ABN) for the purpose of contracting services.
- 16.3. AIHE may also need to collect government related identifiers, such as a Medicare Card number, passport details or a driver’s licence in order to fulfil our obligations under Federal Law in the conduct of our operations as an RTO.

17. Management of clients personal information and its ‘Quality’

- 17.1. AIHE endeavours to ensure clients personal information is accurate, up to date, complete and relevant. AIHE will as a matter of course, routinely update personal information in our Student Management system.

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- 17.2. AIHE invites previous clients to keep their contact details up to date on our website and internal policy prescribes that anytime we contact clients, we will ask if clients personal information is up to date and accurate. We invite clients to contact AIHE at any time to provide us with updated personal information and clients can request access to clients personal information at any time.
- 17.3. AIHE does not charge a fee for accessing or correcting clients personal data.

18. Retention and disposal of clients information and information security

- 18.1. Clients personal information is held at AIHE in both electronic and paper format. AIHE takes all reasonable steps to protect clients personal information from misuse, loss and from unauthorized access or disclosure.
- 18.2. Specifically clients information is retained:
- In our Student Management System which hosts data externally with a third party and is secured in alignment with Commonwealth standards. The system is encrypted accordingly and secured with personalised user account passwords.
 - Periodically on AIHE’s systems and databases which are secured with individual user account passwords and user access privileges.
 - On hard copy backup drives which are retained in the event of system failure or loss. All backup copies of these drives are held securely on site.
- 18.3. AIHE will adopt a clear desk policy at close of business for documents containing personal information.
- 18.4. Paper documents containing personal information are disposed of in secure waste bins for destruction.
- 18.5. AIHE will retain personal information for as long as we are required to do so to conduct business activities in line with Commonwealth legislation or other legal requirements. This may include the retention of some personal information for up to 30 years.
- 18.6. As soon as clients personal information or components of it are no longer required, and it is lawful to do so, AIHE will take all reasonable steps to destroy and/or de-identify the information.

19. Complaints

- 19.1. If clients have a complaint or concern about the way AIHE has managed or is managing clients personal information, clients should direct this in writing to the ‘AIHE CEO’.
- 19.2. Where more than 60 calendar days have been required to process a complaint or appeal:
- the complainant or appellant is advised in writing of the reasons
 - the complainant or appellant is regularly updated in writing.

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Appendix-Processes

The attached documents show the process for complaints and appeals

This form is to be used by AIHE staff receiving or recording a complaint.

Staff receiving complaints should not make any admissions of liability to a student. The student should be assured that their concerns will be taken seriously and looked into.

Part A is to be completed by the staff member receiving or recording the complaint, or student directly making the complaint. The form is then to be sent to the CEO for further follow up and/or action.

The CEO will investigate and complete **Part B**.

Part C is to be completed when students are met with, to discuss the outcome and support they will receive.

Part A and **Part B** and C re then to be passed to the Academic Review Committee who will complete **Part D**

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Part A

Name of person recording the complaint	
Student name and number	
Course	
Nature of complaint (delete as appropriate)	staff / course / clinical site / other
Date complaint received	
Date and time of incident	
Name of teacher(s) / other staff member(s) involved in the service interaction	

Details of the complaint
What outcome / solution would the complainant wish for?
What action was taken by the person recording the complaint?

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This form is now referred to the CEO for further investigation / follow up as required.

Part B

Date Part A received/...../20.....	Part B completed by: _____
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Note if there are any further actions required to address the complainant's immediate concerns? (note details of any follow up contact and actions taken including whether external arbitration required)

Note if there are there any further actions to address staff / systems concerns. (note the action taken)

Complaint logged in system: Date:/...../20.....

Signed: Date:

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PART C- Students Complaints process-meeting notes		
Student name		
Issue		
Meeting date		
Personnel involved in meeting		Minute taker/observer

Activity	Supervisor/student feedback	Student feedback
Discussion/Meeting Issue		
Other circumstances		
Offer to student		
Observations made by observer which may be relevant to the outcome		
Observer		
Feedback to CEO given	y/n	Date
Actions		
Follow up Meeting date (if required)		

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PART D – Academic Committee Review and Decision			
Name of student			
Documentation reviewed	Part A Y/N	Part B Y/N	Part C Y/N
Date complaint form received by Review Committee			
Outcome of review			
Action to be taken			
Follow up			
Date			
Signed			

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Student External Appeal Contacts

1. Check that student has followed the internal Complaints and Appeals process.

2. Provide student with contact details of State Training Authority.

Domestic Students (NSW)

DET NSW

Phone: 13 28 11
Interstate: (02) 9266 8740
Fax: (02) 9266 8590
Website: www.training.nsw.gov.au
Postal: PO Locked Bag 53 Darlinghurst, NSW, 1300

Consumer, Trader & Tenancy Tribunal (CTTT)

Phone: 1300 135 399
Fax: 1300 135 247
Email: ctttenquiries@cttt.nsw.gov.au

3. Provide student with a copy of the original complaint form and copies of any other relevant documents.

4. Inform the CEO who will record in the Student Complaint Register that the student intends to appeal the decision externally.

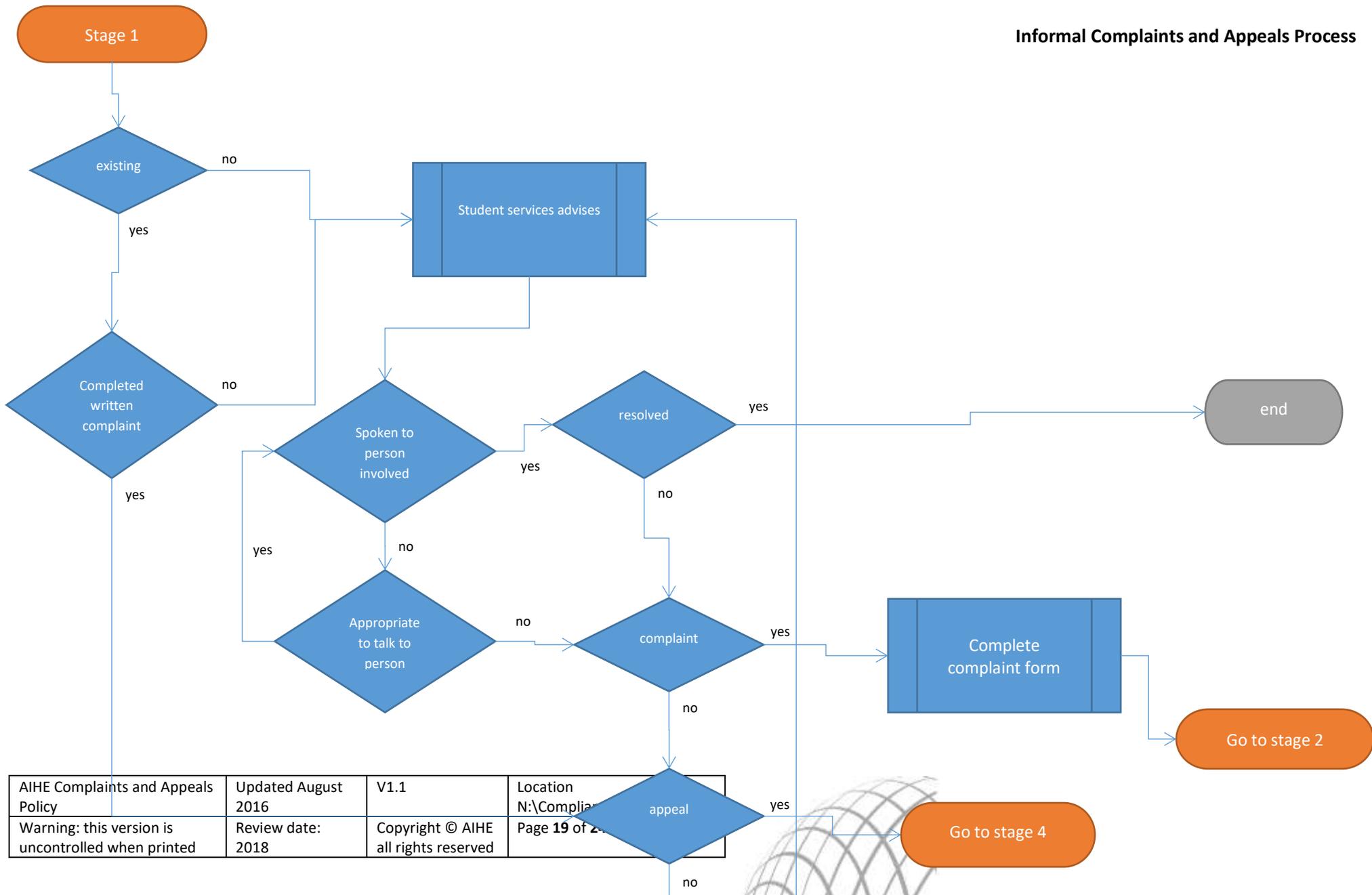
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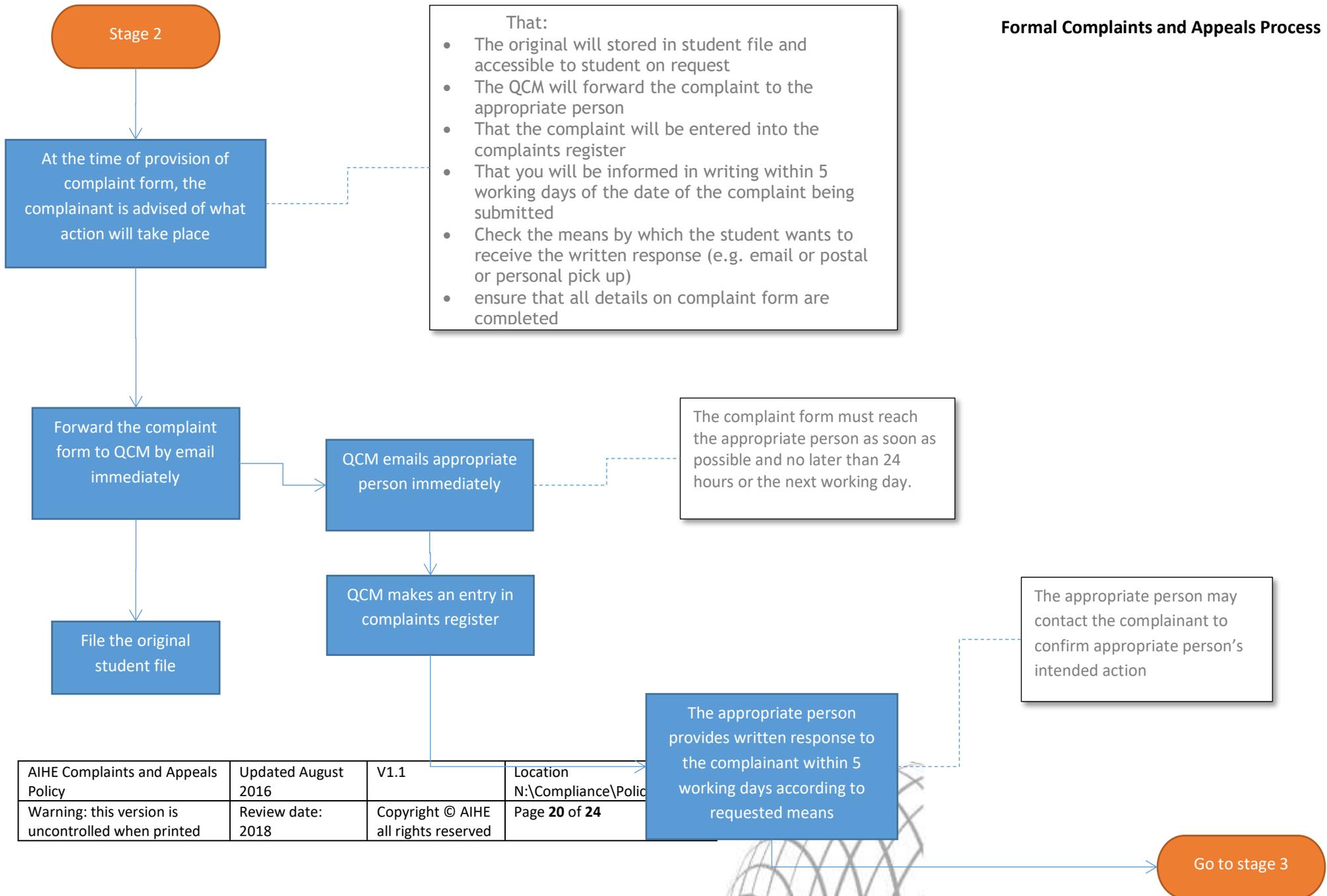


Informal Complaints and Appeals Process

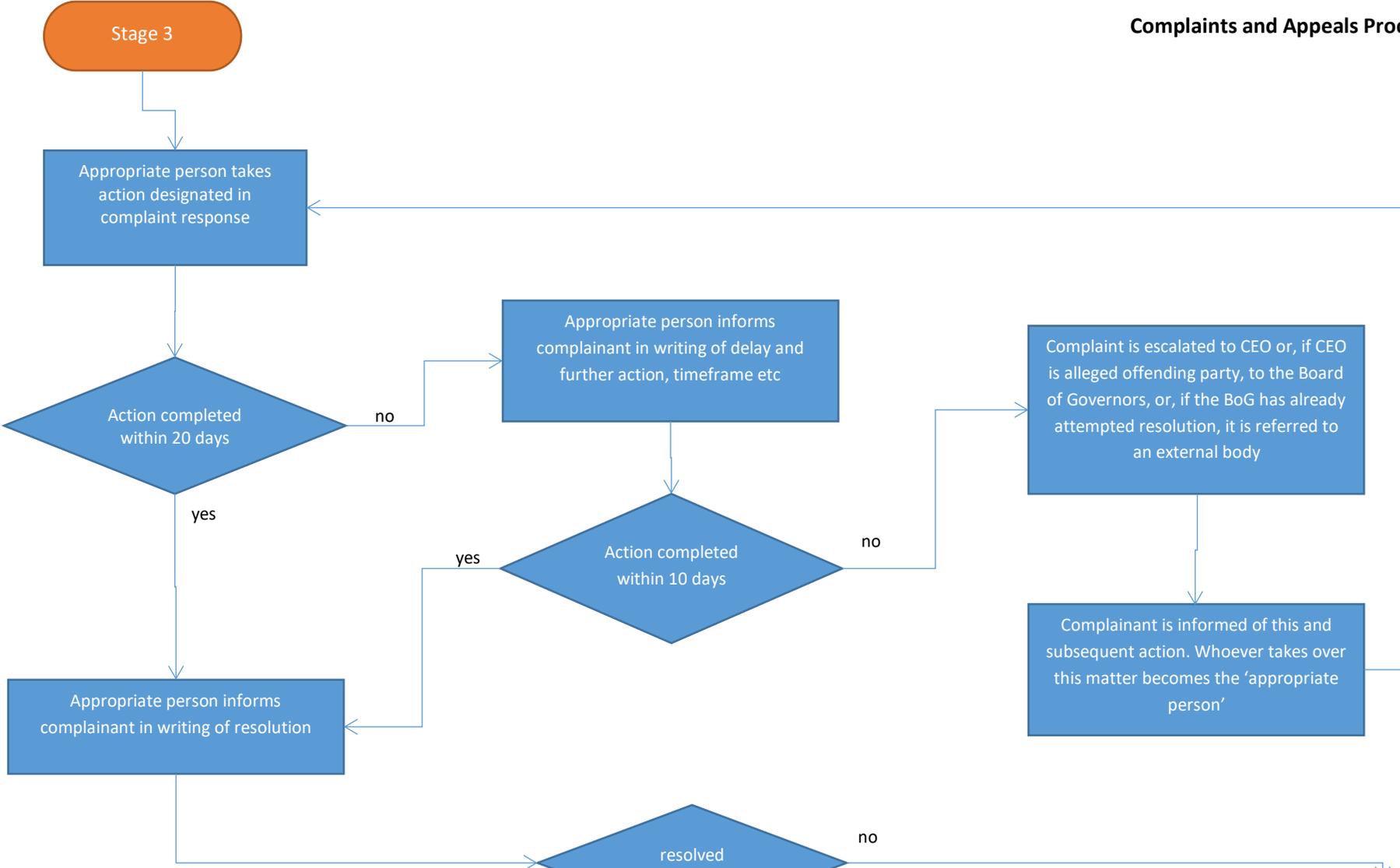


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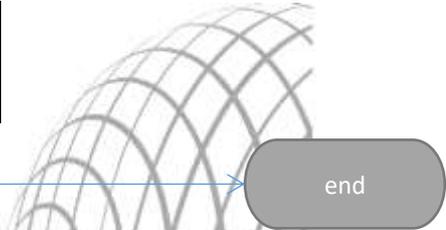
Formal Complaints and Appeals Process



Complaints and Appeals Process Outcome

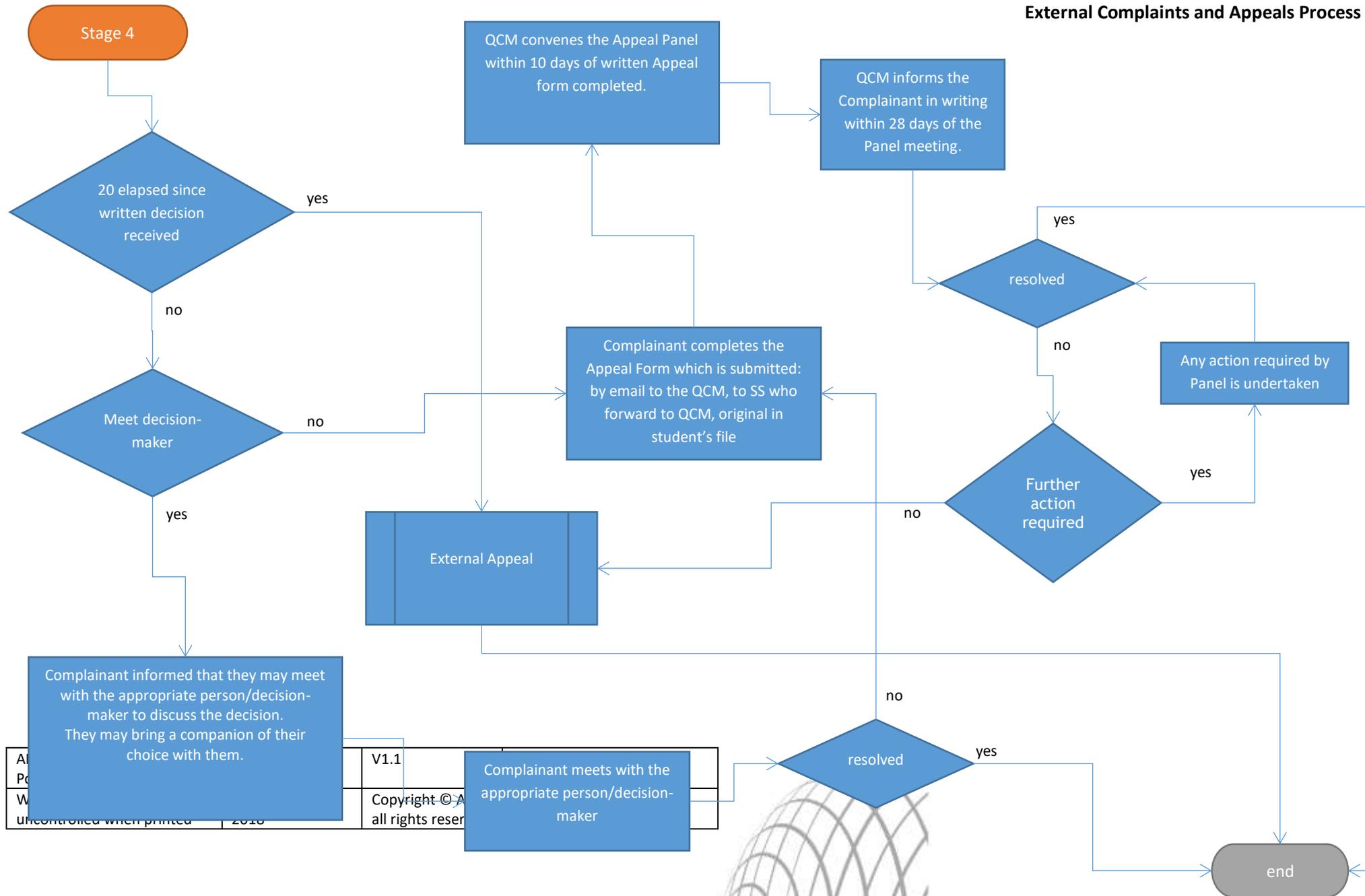


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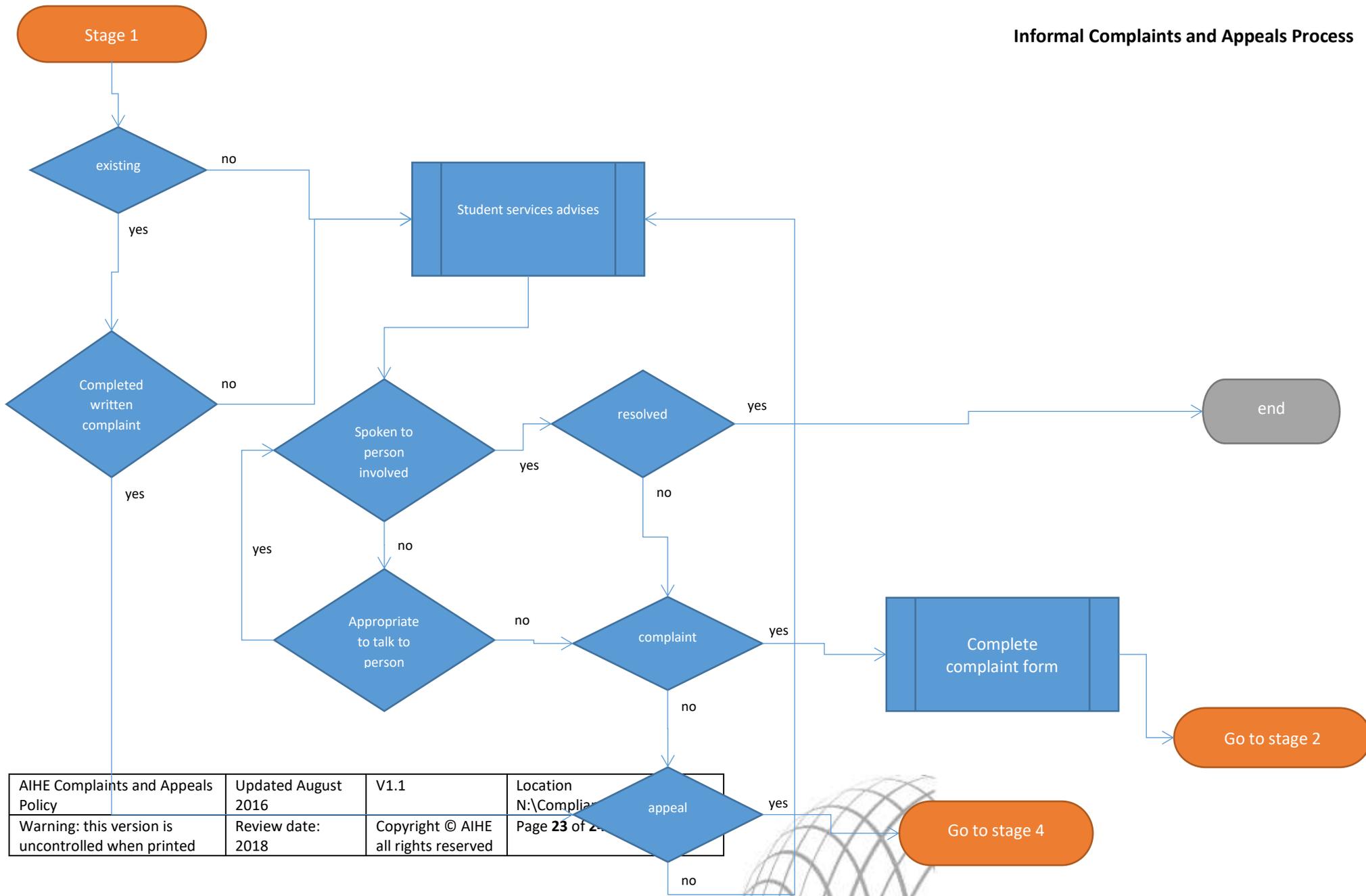


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External Complaints and Appeals Process



Informal Complaints and Appeals Process



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