

COM005 Grievance, Complaints and Appeals

Version Control Procedure			
Date	Type of Change	Details	By Who
02/02/2015	Minor	Formal resolution process	Business Manager
24/04/2015	Minor	External independent review	Business Manager

Purpose

ACFB is dedicated to providing high quality educational programs and industry leading graduates in the field of Fitness and Massage. ACFB recognises the importance of effective communication as essential to resolving any concerns, and this policy is fundamental to the resolution of grievances and the reconciliation of Claimants with ACFB. ACFB aims to respond to appeals and grievances in a fair and equitable manner and to resolve the grievance to the satisfaction of all parties. This Policy is in place to manage both academic and non-academic appeals and grievances and to guide the actions taken by all parties.

This Policy will be published on ACFB's website for current and prospective students, clinic clients and general staff. In addition, it will be provided to students at course commencement. ACFB's Business Manager is responsible for the training of academic and support staff in the application of the Policy.

Record Keeping and Confidentiality

Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file to the complainant (if a student or staff member). All related correspondence, both inwards and outwards, will be maintained in the file and stored securely at ACFB's Mitcham and Ringwood campuses. Each file is to be held for a minimum period of five years after the Claimant's final dealings with ACFB on the grievance. The minimum five year retention provision also applies where the grievance is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the grievance.

Confidentiality is observed at all times, with records of all grievances, applications for review and the outcomes only being available to the parties involved in the grievance, under supervised access upon written request to ACFB's Principal.

Academic and Non-Academic Matters

- **Academic matters** relate to student academic progress, assessment, curriculum, quality of course delivery, academic achievement and awards in a course.
- **Non-academic matters** do NOT relate to student progress, assessment, curriculum and award in a course(s), but can include such matters as clinic client grievances.

This policy also extends to grievances about breaches of personal information relating to information obtained by ACFB for the purposes of FEE-HELP and VET Student Loans assistance and repayment of HELP loans. Non-academic matters may include, but are not limited to operational, administrative, discrimination and harassment issues.

Examples of both academic and non-academic matters are listed in the table below.



Academic	Non-Academic
<ul style="list-style-type: none"> • Appeal of grading decision (e.g. failure of an assessment piece or subject) 	<ul style="list-style-type: none"> • Sexual harassment, racial or sexual discrimination
<ul style="list-style-type: none"> • Exclusion from study or continual enrolment 	<ul style="list-style-type: none"> • Breach of personal information
<ul style="list-style-type: none"> • Results of credit transfer or RPL applications 	<ul style="list-style-type: none"> • Unfair treatment
<ul style="list-style-type: none"> • Findings of allegations of academic student misconduct (e.g. plagiarism or cheating) 	<ul style="list-style-type: none"> • Physical or verbal abuse and behavioural issues
<ul style="list-style-type: none"> • Quality of course delivery 	<ul style="list-style-type: none"> • Concerns about campus facilities, environment, health and safety or equipment

Assurances

During all stages of the grievance process, ACFB will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of raising a grievance. An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent. Appropriate confidentiality will be maintained, and where possible, disclosure of grievance information will be limited to those who are legitimately involved in the process of resolving the grievance.

Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination. This Policy does not replace or modify policies or any other responsibilities that may arise under other ACFB policies or under statute or natural justice. Neither this Policy nor the availability of grievance and appeals processes remove the right of the student to take action under Australia’s consumer protection laws or the right to pursue other legal courses of action. ACFB complies with the Privacy Act 1988 and a copy of a student’s information can be forwarded upon written request to ACFB’s Business Manager.

Feedback

Feedback from students and clinic clients about academic or clinic services and courses offered by ACFB is encouraged and would not normally be viewed as a grievance, unless specific action is requested in the form of a concern raised. The forum for feedback by a clinic client is via the online Clinic Feedback Form (available on the Student Massage Clinic login at acfb.com.au), or via the Clinic Feedback Form available at reception. Students are able to use the ‘Student Feedback Form’ / ‘Please provide us with feedback survey’ available on every cluster/unit on their eLearning webpage.

All feedback submitted via the Student Feedback Form or Clinic Feedback Form options will be responded to within three (3) working days. However, in the case of a student or clinic client feeling they have experienced unfair or unreasonable treatment, disadvantage or distress and does not want to provide this feedback through the informal feedback process, that they wish to pursue through a more formal process.

Feedback submitted via these methods can be considered **Stage 1** of the grievance process, known as the Informal Resolution Process (see below). If the grievance is not resolved through informal procedures, Claimants may initiate a Formal Grievance Process. There is no cost to the Claimant for utilising the internal College grievance procedure.

Prospective and Former Students



This Policy and related procedure(s) also cover prospective students of ACFB who have a grievance with non-academic matters including the enrolment process, or students who have ceased their enrolment with ACFB. Issues from prospective students can be considered under this Policy up to six (6) months from the time of the issue arising. Issues from former students can be considered under this Policy for a period of up to twelve (12) months after their enrolment has ceased. A grievance submitted under these circumstances must not be a previous grievance that has been considered resolved, but a new grievance with new facts that may have recently come to light. A previous grievance cannot be re-instigated after the student's enrolment with ACFB has ceased or after the prospective student's grievance has been resolved.

Stages of Grievance Implementation

The following steps identify the four key stages through which a grievance may be processed. ACFB provides the following steps to allow the grievance to be formalised. The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the following stages. The Claimant has the right to be heard on the matter of the grievance at any stage and may be accompanied by a nominated support person when meeting with ACFB to discuss their particular concern. At each stage, the claimant or appellant will be provided with a written statement of the outcome of the complaint and of any appeals including details of the reasons for the outcome. The four stages of the Grievance Process are fully detailed below.

Stage 1 – Informal Resolution Process

Claimants are encouraged to attempt to resolve the grievance informally and amicably at an early stage. This can be done through speaking directly with an ACFB team member, or can be systematised and lodged via the Student Feedback Form (SFF).

If the claimant cannot gain resolution or feels they cannot talk to the person involved, the claimant may then seek assistance from a Trainer, Administration Team Member, Department Coordinator or Administration Manager on campus (or a nominated delegate). The nominated staff member will communicate with the student about the outcome and possible resolution. The communication and outcome will be recorded in the student's confidential records and kept for a period of five (5) years. When submitting feedback via the SFF, a written response will be received within three (3) to five (5) working days.

If the grievance is not resolved through informal procedures, students/clients may initiate ACFB's Formal Grievance Procedure (Stage 2). All students/clients have the right to lodge a formal grievance. A formal grievance must be lodged by a person who is directly impacted by the events described in the grievance. There is no cost to the claimant for utilising the internal grievance process.

Stage 2 – Formal Resolution Process

The formal grievance procedure begins when a student or clinic client states in writing that they have a grievance using the formal grievance paperwork available at acfb.com.au (and on each students eLearning webpage) and submitted directly to the Complaints and Appeals Committee via admin@acfb.com.au. The Complaints and Appeals Committee is composed of each department head and the Program Manager. The claimant should include a detailed description of the reason for their complaint and if available any documentary evidence. The claimant will receive acknowledgement of receipt of their grievance from the Complaints and Appeals Committee within three (3) working days.

This acknowledgement will:

- Advise the claimant of the process that will be followed, the timeframes that will be required and the steps the claimant should undertake for this stage of the particular grievance, and
- Advise the claimant of their rights of appeal.

The grievance resolution process will commence within five (5) working days of receipt of the form and all reasonable measures will be undertaken to finalise the process as soon as practicable. The Complaints and Appeals Committee (or delegated nominee), will, if necessary, seek to clarify the outcome that the student hopes to achieve. The Complaints and Appeals Committee (or delegated nominee) will investigate the grievance and interview anyone associated with the grievance to gain a full understanding of the issues in order to make an informed decision. Clarification may be sought from the student by a verbal or written request or by a face-to-face interview with the student. Both the claimant and/or Respondent(s) may be accompanied and assisted by a nominated support person during this process.

The Complaints and Appeals Committee (or nominated delegate) will provide a written decision to the Claimant and / or Respondent within ten (10) working days of receipt of the formal complaint, or as close to this timeframe as possible. The correspondence will outline the reasons for the decision and the name and contact details of the person to whom they can appeal, if they are not satisfied with the decision. This timeframe is dependent on the requirement for re-assessment or provision of further evidence, and the claimant shall be kept informed of any changes to the schedule.

It is important to note that formal grievances respect the right and the privacy of the individual, and all formal grievances MUST be lodged individually. Each Claimant's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

The Complaints and Appeals Committee (or nominated delegate) will also provide an internal report on the process for College records. All records are kept on file for a period of 5 years.

Stage 3 - Appealing the Original Decision

If the claimant is dissatisfied with the outcome of their grievance, they may lodge a further appeal detailing the reasons for the appeal to ACFB's Principal within ten (10) working days of being informed of the decision of the original appeal. The Principal is responsible for convening the Complaints and Decision Review Committee based on the appeal documentation and will acknowledge receipt of the appeal in writing within three (3) working days.

Students who lodge an appeal must remain enrolled and attend all classes as normal until the process has been completed.

The Principal is senior to the members of the Complaints and Appeals Committee and is not involved in the previous stages of the complaints process. The Principal will as soon as possible review the original decision and interview any persons related to the grievance. Students will be advised of any likely delays. If the Principal seeks clarification from the student(s) or the Respondent in the form of face-to-face interviews, both the claimant and/or Respondent(s) may be accompanied and assisted by a nominated support person during this process.

If the original decision is overturned, then the student's grievance is taken to be proven true and any further actions required to address the issue will be identified and implemented. The Principal will provide a written report to the student and / or respondent advising the outcome of the appeal and further steps taken to address the grievance within twenty (20) days of the receipt of the appeal.

ACFB's Principal will also provide an internal report on the process for College records. All records are retained for a period of five (5) years.

Stage 4 - External Independent Review

Claimants who wish to lodge an external appeal or complaint against the outcome of ACFB's internal appeal process may consider an independent external review of the decision. To progress to Stage 4, the Claimant is required to respond within ten (10) days of receipt of the final decision to ACFB's Principal.

The claimant needs to ensure that this request presents a substantial reason for an external review of the decision, and must include all documents relevant to the case so the external reviewer can get a full understanding of the grievance. The application must be lodged within twenty eight (28) days of receiving a written notice of the final internal outcome to the external reviewer. The details of for the external body and contact details are as follows:

Lead from Within

Vanessa Toy

Phone: 0434 242 230

Email:

Website: www.leadfromwithin.com.au

ACFB will cooperate and provide all relevant information requested by 'Lead from Within' throughout the review process. Costs of such mediation will be shared equally by the Australian College of Fitness & Bodywork's and the Complainant. As a guide, mediator's costs would be approximately \$250 per hour.

Within thirty (30) working days of receiving any external review decision and recommendations ACFB's Principal will give due consideration to any recommendations arising out of the external review, give the Claimant comprehensive written advice about the outcome, and file all records in confidential storage.

Continuous Improvement

Any improvement action arising from a student grievance or appeal and the procedures involved, will be communicated to all staff via a written statement, specific development meetings and training sessions; outlining why the issue occurred, what ACFB have done to rectify the issue and how we can avoid future occurrences. All communication will be recorded in accordance with ACFB's Continuous Improvement Process whilst ensuring Claimants confidentiality is maintain at all times.

This Grievance Policy and Procedure was agreed to and ratified by the Australian College of Fitness & Bodywork's Directors on 24/05/2015.

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