

Grievances, Appeals and Reviews

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Introduction

Purpose

To ensure that a transparent, fair and equitable grievance, appeal and review process is followed within the Institute with respect to both academic and non-academic matters.

Scope

This Procedure applies to grievances, appeals and reviews initiated by TAFE Gippsland customers.

Rationale

Principles/Statement

All customers have the right to a transparent, fair and equitable grievance, appeals and reviews process. This procedure details the process for TAFE Gippsland customers who wish to pursue a grievance or appeal a decision relating to academic or non-academic matters.

Access to this procedure is available regardless of the customer's place of residence, the location of the campus at which the grievance has arisen, or, where relevant, the mode of study.

As a Registered Training Organisation (RTO) and provider of Nationally Recognised Training we encourage feedback from customers of TAFE Gippsland. Without this feedback we cannot improve our processes on a continual basis.

TAFE Gippsland will deal with grievances effectively and promptly without prejudice or bias and will at all times be honest and fair in dealing with customers.

TAFE Gippsland offers appeal processes where satisfactory resolution cannot be achieved.

All customers, clients, contractors and staff are advised of this procedure and of the processes available for handling and resolving grievances. This procedure will be published and available on TAFE Gippsland's publicly accessible website.

All policies, procedures and required documentation and information relating to VET Student Loans will be published on the TAFE Gippsland website and will therefore be accessible to members of the public and customers at all times. Customers may request assistance from a Student Support Services representative to complete their application for review of VET Student Loan decisions.

The Institute acknowledges that a complainant may request to be assisted and/or accompanied by a third party during any part of the grievance process and agrees to this request. The Institute's student support staff are also available to assist a complainant.

There will be no cost associated with lodging a grievance unless an independent arbitrator is required or the Administrative Appeals Tribunal (AAT) is engaged.

As an RTO, TAFE Gippsland undertakes to comply with Standards for RTOs 2015 at all times. The Institute is subject to robust scrutiny of its processes and documentation on a continual basis. Issues identified during reviews are addressed through our internal business improvement process.

Procedure

Student Grievance, Appeal and Review Procedure - including VET Student Loan decisions

In the first instance, TAFE Gippsland will endeavour to resolve any grievance, whether of an academic or non-academic nature, through informal processes of discussion and negotiation between the customer and relevant staff and/or management.

Where this process fails to achieve resolution of the grievance, customers may utilise TAFE Gippsland's formal complaint process, as set out in policy and procedure CM006 Complaints and Feedback Procedure. Complaints, comments or compliments may be lodged about any matter to do with the operation of the Institute. They can be lodged in a variety of forms and should be directed to the Manager Quality and Audit.

Where a customer remains dissatisfied and having exhausted informal avenues and/or the complaints process, they are entitled to lodge an appeal or seek review of the original decision with the TAFE Gippsland Appeal and Review Panel.

The appeals procedure includes three key steps:

1. A written application for review is lodged with the Director Academic Governance
2. Review is conducted by the TAFE Gippsland Appeal and Review Panel
3. The applicant is informed of the outcome of the review and advised accordingly.

There is no standard application template, although an application must include the following information:

1. A clear and concise description of the grievance. Applicants are encouraged to focus on up to three key issues that they feel aggrieved about
2. A clear and concise description of the outcome(s) sought (i.e. what would make the applicant feel that the grievance had been resolved?)

The TAFE Gippsland Appeal and Review Panel (3 members) will be chaired by the Director Academic Governance or appropriate delegate and will consist of the Academic Registrar and an appropriate representative from the Student Support Services Team. Panel members must ensure they fully understand the VET Student Loan process.

The Chair of the Appeal and Review Panel will confirm in writing the receipt of a written application for review as soon as the application is received. The applicant must also be informed at this time that if TAFE Gippsland has not advised the applicant of a decision within 45 days from receiving the Request for Review, that TAFE Gippsland is confirming the original decision.

The Review Panel will meet within no more than five (5) working days from receipt of the application for review. The Panel will review the original application or grievance and the details as to why the applicant believes there are grounds for a change of decision.

The panel decision will be by majority vote. The panel will endeavour, wherever possible, to reach a decision at the conclusion of the Review meeting. If no decision is made at the conclusion of the meeting, it must be made within five (5) working days after the Review meeting.

The grievance, appeals and review process is undertaken on the basis of written evidence; however the Panel may invite the customer to provide additional evidence in person.

Appointment of an Independent Review body

In the event that the applicant remains unhappy with the outcome of the review and seeks further review, TAFE Gippsland nominates the following organisation as its independent external arbitrator or other organisations as required.

TL 034 Grievance Appeals Contact organisation:

McMahon Consultancy Services (Vic) Pty Ltd
ABN: 99 140 848 728
P.O. Box 189, Mooroolbark Vic 3138
Tel: 0419 260 069

The applicant and TAFE Gippsland will jointly share the cost of an independent review, which will be arranged by the Director Academic Governance

If the applicant requires accompaniment or assistance from another person than the organisation external arbitrator nominated above, this will be at the direct cost to the applicant.

Applicants will not be victimised or discriminated against for seeking a review, or using TAFE Gippsland processes or making an application for re-crediting the students FEE-Help balance.

Administrative Appeals Tribunal

Should the review decision not be in favour of the applicant, the applicant will be advised that they may wish to contact the Administrative Appeals Tribunal (AAT)

The Administrative Appeals Tribunal can be contacted as follows:

Deputy Registrar
Administrative Appeals Tribunal
Level 4/15 Williams St, Melbourne Vic 3000
Tel: 1800 228 333
<http://www.aat.gov.au/contact-us>

Applications to the Administrative Appeals Tribunal for review of a decision may include an application fee in excess of \$750.

Applications cannot proceed until the application fee is paid or the fee has been waived. The application fee is refunded when the review is completed if the AAT decides that it is finalised in the applicants favour. In certain circumstances, the application fee is not payable.

Records Management

Review outcomes will be recorded and documented and a full explanation of the decision will be provided to the applicant should they request it. The Director Academic Governance will notify the applicant within two (2) working days of the outcome of the appeal.

All grievance-related documentation, including review outcomes, is treated as confidential.

A copy of the Review outcome will be sent to the Institute's Academic Registry and will be retained on record for at least five (5) years. In accordance with the CM 023 Privacy Procedure, parties to the complaint will have appropriate access to their records.

Continuous Improvement

Upon resolution of the complaint, any identified issues that require instigating a new policy or procedure or changes to an existing one, will be pursued as per CM006 Complaints and Feedback Procedure. This will ensure that the issue will not re-occur with the same outcome.

Grievances regarding Academic Assessment

Where a grievance is more specifically focused on issues regarding academic assessment, students should utilise the TAFE Gippsland assessment appeals process.

Prior to lodging a formal appeal under this process students should attempt to resolve grievances specifically concerning academic appeals with the teaching staff and Manager responsible for the area. Where there is no satisfactory resolution and every attempt has been made to resolve the concern a formal appeal may be commenced.

Grounds for appeal, assessment process and panel composition are addressed in detail in Assessment Appeals policy and procedure TL 007.

Grievances regarding Student Behaviour

Where a student wishes to appeal a decision with respect to student misconduct this should be addressed via the TAFE Gippsland student misconduct appeal process.

Grounds for appeal, assessment process and panel composition are addressed in detail in Policy and Procedure TL 012 Managing Student Suspension or Expulsion.

Reference and Supporting Information

Definitions

Term	Definition
Academic matters	Includes those matters which relate to student progress, assessment, curriculum and awards in a TAFE Gippsland course of study.
Non-academic matters	Includes those matters which do not relate to student progress, assessment, curriculum and awards in a TAFE Gippsland course of study and includes complaints in relation to personal information that TAFE Gippsland holds in relation to the student.
Customer	For the purposes of this Procedure, a customer means exclusively a student of, or a person seeking to enrol with, TAFE Gippsland. Their respective entitlements to access this Procedure differ, as follows: <ul style="list-style-type: none"> Students who are, or would be, entitled to a VET Student Loan under clause 88 of subdivision F of the VET Student Loan Rules 2006 are entitled to access these grievance procedures in relation to academic and non-academic matters.
Appeal	Appeals may arise when a customer is not satisfied with a decision made as a result of the grievance

Supporting Documents

Signed and dated records of appeals and reviews.

External Legislative Context

Higher Education Support Act 2003

ASQA Standards for RTOs 2015

VET Student Loans Act 2016

VET Student Loans Rules 2016

VET Student Loans (Consequential Amendments and Transitional Provisions) Act 2016

VET Student Loans Provider Manual

VET Provider Guidelines

Internal Policy and Procedures

TAFE Gippsland Procedures

Complaints and Feedback Procedure CM 006

Assessment Appeals TL 007

Managing Student Suspension or Expulsion TL 012

Privacy Procedure CM 023

VET Student Loan Refund and Student Review Policy TL 029

Responsibility

Director Academic Governance

Please Note: For further information or assistance regarding policies and procedures contact: qa@tafe Gippsland.edu.au URL: www.tafe Gippsland.edu.au

Document Version Control Table

Item	Summary of Update	Version Control	Revised Date
1	Original Policy document	V1.0	24/01/2011
2	<ul style="list-style-type: none"> Various updates addressing VET FEE Help, VET Student Loan and issues not in original up to 19/06/2018 	V1.1	19/06/2018
3	<ul style="list-style-type: none"> Independent Review Body updated from RSM Bird Cameron to McMahon Consultancy. Address of Administrative Appeals Tribunal amended. 	V2.0	21/09/2018
4	<ul style="list-style-type: none"> Rebranded from Federation Training to TAFE Gippsland 	V3.0	16/07/2019