



Purpose

The Grievance policy sets out the internal and external complaints & appeals processes and how the parties involved in the processes are kept informed of the actions and outcomes. It aims to:

- provide a process for ALACC to manage dissatisfaction, formal complaints and appeals by students, staff and other stakeholders;
- ensure a transparent approach for all complaints and appeals to be addressed in a professional, fair, efficient and confidential manner;
- afford all participants natural justice and procedural fairness;
- inform the on-going internal review of ALACC's operations and to elucidate opportunities for improvement and quality management.

VSL Grievance complaints and appeals policy.

This policy is in line with the whole Grievance Complaints and Appeals policy.

The VET Student Loan Act 2016 addresses the Grievance procedure in (Section 88 VSL Rules)

2) The grievance procedure must:

- b) encourage the timely resolution of complaints, including by specifying reasonable periods for dealing with each stage of the procedure; and
- d) clearly provide that there is no charge for either the internal stage or the external stage; **and**

3) The internal stage of the grievance procedure must include:

- e) provision for each party to this stage of the procedure to be accompanied or assisted by another person, at that party's cost.

4) The external stage of the grievance procedure must include:

- b) provision for each party to the review to be accompanied or assisted by another person at the review, at that party's cost; **and**
- c) a requirement for each party to be given written notice of the decision on review, include the reasons for the decision.

Subdivision E—Withdrawal from courses and cancellation of enrolment

86 Processes and procedures for student to withdraw from approved course

- (1) An approved course provider's processes and procedures must include:
 - (a) procedures for a student to withdraw from an approved course, or a part of an approved course; and
 - (b) a procedure for a student to enrol in a part of an approved course with the provider in circumstances where the student had earlier withdrawn from a part of the course undertaken with the provider.
- (2) The procedures for a student to withdraw from an approved course, or a part of an approved course, before a census day for the course, or the part of the course, must not involve financial, administrative or other barriers to the withdrawal.
- (3) If a student withdraws from an approved course, or a part of an approved course, the course provider must not, after the withdrawal, enrol the student in an approved course or a part of

an approved course without the written permission of the student (which must be given after the withdrawal).

87 Processes and procedures for cancellation of enrolment

- (1) An approved course provider's processes and procedures must include processes and procedures for the provider to cancel a student's enrolment in an approved course, or a part of an approved course, after the census day for the course.
- (2) The processes and procedures for cancelling a student's enrolment must:
 - (a) require the provider to inform the student concerned of a proposed cancellation; and
 - (b) provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect; and
 - (c) provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed; and
 - (d) set out the circumstances in which fees for the course, or the part of the course, concerned will, or will not be, refunded.

VSL students please note: Subdivision F—Dealing with complaints Section 88 Grievance procedure

- (1) ALACC has a grievance procedure to deal with complaints from its students including VSL students about:
 - (a) academic matters (including matters relating to student progress, assessment, curriculum and awards for an approved course); and
 - (b) non-academic matters (including matters relating to enrolment in a course and personal information held by the provider).
- (2) The grievance procedure must:
 - (a) clearly set out the stages of the procedure; and
 - (c) encourage the timely resolution of complaints, including by specifying reasonable periods for dealing with each stage of the procedure is in the body of the policy; and
 - (c) contain the internal and external stages referred to in subsections (3) and (4); and
 - (d) clearly provide that there is no charge for either the internal stage or the external stage; and
 - (e) provide for implementation of decisions made in following the grievance procedure; and
 - (f) provide for due consideration of recommendations arising from the external stage of the grievance procedure; and
 - (g) require the provider to allow parties who have used the procedure to access the records of that use, but otherwise keep the records confidential.
- (3) The internal stage of the grievance procedure must include:
 - (a) a process for the lodging and hearing of a formal complaint; and
 - (b) a requirement for the complainant to be given written notice of a decision on the formal complaint, including:
 - (i) the reasons for the decision; and
 - (ii) advice about how to appeal the decision; and
 - (c) a process for appealing the decision to an independent senior officer of the approved course provider, or to an internal committee or unit with appropriate expertise; and
 - (d) a requirement for the appellant to be given written notice of the decision on appeal, including:

- (i) the reasons for the decision; and
 - (ii) advice about how to have the decision reviewed; and
- (e) provision for each party to this stage of the procedure to be accompanied or assisted by another person, at that party's cost.
- (4) The external stage of the grievance procedure must include:
 - (a) a process for having a decision on appeal reviewed by an external and independent person or body with appropriate expertise; and
 - (b) provision for each party to the review to be accompanied or assisted by another person at the review, at that party's cost; and
- (d) a requirement for each party to be given written notice of the decision on review, include the reasons for the decision.

Subdivision H—Treatment of students seeking review etc.

Section 90 of VSL Rules - No victimisation or discrimination of students for seeking review etc.

ALACC processes and procedures must ensure that a student is not victimised or discriminated against for:

- (a) seeking review or reconsideration of a decision; or
- (b) using the provider's processes or procedures about dealing with grievances; or
- (c) making an application for re-crediting of the student's HELP balance under

VSL Students further details and explanation is provided below to help you understand better the Grievance, Complaints and Appeals policy.

SCOPE

The Grievance policy provides a process that is available to:

- (a) VET Student Loan potential students
- (b) students and potential students (including international and local students)
- (c) staff and potential staff, and
- (d) other stakeholders.

The Grievance policy provides a means to manage and respond to complaints involving the conduct of:

- (a) ALACC, its trainers, assessors and other staff and personnel;
- (b) a third-party providing services on ALACC's behalf and that third party's trainers, assessors or other staff;
- (c) a student of ALACC.

It covers all aspects of ALACC's operations including:

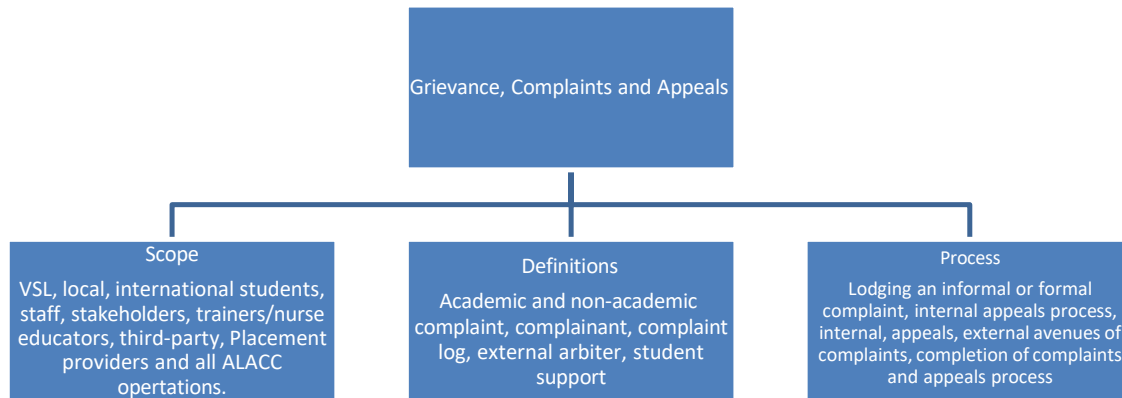
- (d) the delivery of training & assessments;
- (e) administration & finance including provision of refunds;
- (f) recruitment of students and conduct of ALACC agents;
- (g) human resources & workplace matters;
- (h) student relations & welfare; and
- (i) third party service providers.

DEFINITIONS



<i>The term:</i>	<i>means</i>
(j) Grievance Complaint and Appeal	Complaint regarding course progress, assessment outcomes, training delivery, course grades, training materials and placements including but not limited to decisions made about an assessment completion, failure to meet satisfactory academic progress, an academic result, the quality of the course delivery, failure to provide training services or materials. Students reserve the right to appeal decisions if their grievance about complaints are not satisfactorily resolved.
(k) ALACC	Australasian Lawrence Aged Care College Pty Ltd.
(l) CEO	ALACC's Chief Executive Officer and Director of Studies, Dr Janet Lawrence.
(m) Complainant	VSL Student, staff, international and local students, stakeholders, are persons making the Complaint or Appeal.
(n) Complaint	Any expression of dissatisfaction with any of ALACC operations as set out in the Scope including an appeal against the outcome of a Complaint processed under this Policy.
(o) Complaint Log	The register of all formal Complaints and Appeals which contains the records required by this Policy.
(p) External Arbiter	A person appointed by the CEO under clause 17(a)(i) who has the appropriate qualifications to consider an Appeal against a decision of the CEO and who must act independently of the CEO and ALACC when acting as the External Arbiter, e.g., ombudsman. There is no costs to the complainant.
(q) Non-Academic Complaint	Complaint that is not an Academic Complaint including but not limited to complaints about refunds, discrimination, bullying, privacy, sexual harassment, admission processes, non-payment of fees.
(r) Respondent	The person against whom a Complaint is made who may be any of the persons identified in the Scope.
(s) Student Support Officer	A member of ALACC staff who is charged with providing support services and contact details are included in the Student Prospectus and the student handbook on Moodle. Student Support Officers are available to all Complainants, not only Complainants who are students.

The figure below demonstrates how the Complaints and Appeals Policy is applied in day-to-day practice.



PROCEDURE AND PROCESS

Before Lodging a Formal Complaint

2. Complainants are encouraged in the first instance to discuss their complaint informally with a Student Support Officer.
 - (a) the Student Support Officer will advise the Complainant about these procedures and processes; and
 - (b) if appropriate, assist the Complainant to settle the Complaint directly with the Respondent or by some other means before or after the Complaint is formalised.
3. If the Complaint is an Academic Complaint:
 - (a) The Complainant should raise it with the relevant trainer or course co-ordinator by email or personally.
 - (b) The trainer or course coordinator will try to resolve the Complaint at first instance. This may require a meeting with the Complainant and the relevant member of ALACC staff.
 - (c) This process may take up to 7 days and Complainants are encouraged to stay in contact with the Student Support Officer or the trainer or course coordinator during this process while the issues are considered, and a resolution sought.
4. If the Complaint is a Non-Academic Complaint, the Complainant is encouraged to raise the issue with the Respondent directly either personally or with the assistance of the Student Support Officer, and to try to resolve the Complaint.
5. If a Complaint cannot be resolved between the Complainant and the Respondent, the Complainant may lodge a formal Complaint.
6. Complainants are encouraged to keep notes of all correspondence and meetings that are related to the handling of the Complaint.

Lodging a Formal Complaint

7. If the Complaint is not resolved the Complainant should fill in a Complaint Form which is available from the “forms section” of the website or in hard copy from ALACC Admin Office.



8. Complaints must be sent to the CEO in writing - either online or email or other written means. Verbal complaints can be made to a Student Support Officer who will record the elements of the Complaint in writing and ensure that the Complainant confirms that the record is a true account of the Complaint.
9. All formal Complaints will be delivered to the CEO, and ALACC will acknowledge receipt of the Complaint within 7 days of delivery to the CEO. If a Complainant does not receive acknowledgement within 7 days, the Complainant should contact the CEO.

What happens to the Formal Complaint?

10. When the CEO receives a Complaint, the CEO will follow the following procedure:
 - (a) Listen to the Complainant attentively and treat the Complaint confidentially whenever possible.
 - (b) Meet with the Complainant and allow the Complainant to bring another person to the interview if they choose to.
 - (c) Ask the Complainant for the full story, including what happened, step by step.
 - (d) Take notes, using the Complainant's own words.
 - (e) Ask the Complainant to check the notes to ensure the record of the conversation is accurate.
 - (f) Explain and agree on the next action with the Complainant.
 - (g) If the Complainant does not request an investigation, **and** the CEO is satisfied that an investigation is not warranted, then the CEO will:
 - (i) maintain confidentiality; and
 - (ii) keep the notes safe for future reference, use in quality control and systems audits at ALACC.
11. If an investigation is requested or the CEO considers that an investigation is warranted, the CEO will investigate and during the investigation the CEO will:
 - (a) Will not charge a fee to the complainant.
 - (b) not assume guilt;
 - (c) advise the Complainant and the Respondent on the potential outcomes of the investigation if the Complaint is substantiated;
 - (d) interview all directly concerned persons, separately or together -whichever is appropriate;
 - (e) interview witnesses, separately or together - whichever is appropriate;
 - (f) keep records of interviews and the investigation;
 - (g) if the Complaint is an accusation against a particular person or group of persons (eg the Complaint is one of bullying or discrimination) then:
 - (i) interview the Respondent/s, either separately or together with or without the Complainant as appropriate, and let the Respondent/s know exactly what the Complaint against them is;

- (ii) give the Respondents a chance to respond to the accusations; and
 - (iii) make it clear the Respondents do not have to answer any questions, however, the CEO will still make a decision regardless.
 - (h) listen carefully and record details;
 - (i) as much as possible ensure confidentiality and minimise disclosure; and
 - (j) decide on appropriate action based on the investigation and evidence collected.
12. When the CEO has decided on the appropriate action or that no action is appropriate, the CEO will:
- (a) discuss any outcomes affecting the Complainant with the Complainant to make sure:
 - (i) where appropriate, the Complainant's needs are met; or
 - (ii) the reasons for the CEO's decision if the Complainant's needs are not met;
 - (b) by email inform the Complainant of:
 - (i) the outcome of the Complaint; and
 - (ii) that the Complainant may appeal the CEO's decision by lodging an Internal Appeal; and
 - (c) record the outcome of the Complaint in the Complaints Log.
13. The CEO will endeavour to determine the Complaint expeditiously and within 60 days of lodgement of the Complaint. If the CEO considers that the Complaint cannot be determined within 60 days of receipt of the Complaint, the CEO will:
- (a) as soon as possible inform the Complainant in writing that the matter may be protracted and the reasons for the protraction;
 - (b) provide an estimated time frame for determination; and
 - (c) keep the Complainant updated of progress of the Complaint.

Internal Appeal of the CEO's Decision

14. If the Complainant wishes to appeal the decision of the CEO, the Complainant must complete and lodge an Appeals Form available in the "forms section" of the ALACC website or in hard copy from the Admin Office.
15. Appeals must be in writing either online or email or other written means to the CEO. A Complainant can enlist the assistance of a Student Support Officer to lodge a written Appeal. *Verbal appeals will not be accepted.*
16. Appeals must be lodged with ALACC within 20 days of the date that the Complainant receives the email from the CEO described in clause 12(b), ie when they are told of the CEO's decision regarding the Complaint.
17. On receipt of an Appeal:
- (a) the CEO will:



- (i) refer the Appeal for consideration by an appropriate External Arbiter, who must act independently in considering the Appeal;
 - (ii) provide all relevant material to the External Arbiter; and then
 - (b) the External Arbiter will
 - (i) consider the material provided by the CEO;
 - (ii) provide the Complainant with an opportunity to formally present their case against the decision of the CEO;
 - (iii) allow the Complainant to be assisted by a nominee (such as a family member, friend or counsellor) if they so desire;
 - (iv) determine whether to confirm or revoke the decision of the CEO; and if the CEO's decision is revoked, impose a different outcome;
- 17.2 Within 10 days of the determination of the Appeal, ALACC and/or the External Arbiter must by email or other written means advise the Complainant of:
- (a) the External Arbiter's determination and reasons for the determination; and
 - (b) the availability of the external avenues for complaints.
18. ALACC will record the outcome of the Appeal in the Complaints Log.

External Avenues for Complaints

- 19. Complainants are encouraged to use the ALACC Complaints and Appeal processes to resolve any Complaints.
- 20. If the ALACC Complaints and Appeal processes do not resolve a Complainant's Complaint, then there are other avenues available to the Complainant, including:

- (a) **The Victorian Equal Opportunity and Human Rights Commission**
3/204 Lygon St, Carlton VIC 3053

Phone 1300 292 153 <https://www.humanrights.vic.gov.au>

- (b) **The Australian Human Rights Commission**
Level 3, 175 Pitt Street
SYDNEY NSW 2000

GPO Box 5218
SYDNEY NSW 2001

Phone 1300 369 711 <https://humanrights.gov.au/about/contact>

- (c) **The Fair Work Ombudsman**

officer of an approved external dispute resolution scheme operator means:

- (a) an officer or employee of an approved external dispute resolution scheme operator; or
- (b) if the VET Student Loans Ombudsman is an approved external dispute resolution scheme operator—the VET Student Loans Ombudsman or a member of the staff of the VET Student Loans Ombudsman (see Part IIE of the *Ombudsman Act 1976*); or
- (d) in any case—a person who performs services for or on behalf of an approved external dispute resolution operator.



GPO Box 9887
Melbourne 3000

Phone 13 13 94 <https://www.fairwork.gov.au/contact-us>

(e) **The Victorian Ombudsman**

570 Bourke Street,
Melbourne 3000

Phone +61 3 9613 6222 <https://www.ombudsman.vic.gov.au>

(f) **Australian Competition and Consumer Commission**

GPO Box 3131
Canberra ACT 2601

Phone 1300 302 502 <https://www.accc.gov.au/>

(g) International students and students availing VET Student loan can contact **Commonwealth Ombudsman** for mediation services.
(<http://www.ombudsman.gov.au>)

21. Complainants can contact these other bodies set out in clause 20 before accessing the ALACC Complaints and Appeal Processes, but they can expect to be advised to try to resolve the Complaint via the ALACC Complaints and Appeal Processes before lodging with the other body.
22. Complainants are advised that in most cases, the purpose of the external complaints process is to consider whether ALACC has followed its policies and procedures, rather than make a decision in ALACC's place. For example, if a Complaint is against assessment results and has gone through ALACC's internal appeals process, the external appeals process will look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

What Happens When the Complaints and Appeals Processes are Completed?

23. When an external appeals process has been completed:
 - (a) ALACC will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external appeals process, and notify the Complainant of the outcome; **unless**
 - (b) ALACC determines to appeal against the outcome of the external appeal process, if an appeal is available (eg if the VEOHR Commission makes a decision, ALACC may decide to take the matter to VCAT).
24. If the Complainant is a student,
 - (a) ALACC will maintain the enrolment of the student until the Complaints and Appeals process is completed;



- (b) If an Appeal is against ALACC's Decision to report the student for unsatisfactory course progress, ALACC will maintain the student's enrolment until the external process is complete and has supported ALACC's decision.
25. ALACC will report an overseas student for unsatisfactory course progress in PRISMS **only** after:
- (a) the internal and external complaints processes have been completed and the breach has been upheld;
 - (b) the overseas student has chosen not to access the internal Complaints and Appeals process within the 20 working day period;
 - (c) the overseas student has chosen not to access the External Complaints and Appeals process; or
 - (d) the overseas student withdraws from the internal or external appeals process, by notifying the ALACC in writing.
26. ALACC will:
- (a) maintain a record of all Complaints and Appeals and their outcomes in the Complaints Log.
 - (b) identify potential causes of Complaints and Appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

ACTS/LEGISLATION/GUIDELINES

- VET Student Loans Act 2016
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Tuition Assurance Scheme
- ESOS Act 2000
- **VET Student Loans Rules 2016** Subdivision F—Dealing with complaints
- ASQA Standards 2015

SUPPORTING DOCUMENTS/RELATED POLICIES

- Transfer/Release Policy
- Equal Opportunity Policy
- Withdrawal Policy
- Occupational Health & Safety Policy

RECORD KEEPING/EVIDENCE

ALACC will record the details of Complaints and Appeals on the Complaints Log including

- Complaints and Appeal Forms
- All supporting documentation
- Minutes of meetings with parties and witnesses
- All correspondence
- Appeal (if any) / Outcome (if any)
- Outcome of internal and external investigations



Document Control:

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Policy owner:	CEO / Director of Studies
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