



Australasian Society for HIV Medicine Inc.

Vocational Student Complaints and Appeals

1. Scope

The Australasian Society for HIV Medicine (ASHM) is committed to providing vocational students with high quality education. Students are entitled to, and should expect, a high standard of learning and assessment and support services from ASHM. However, from time to time, students may have concerns or complaints about matters or issues relating to their experiences at ASHM. This policy applies to ASHM's vocational students, as distinct from policies and procedures which are in place to deal with the complaints and appeals of doctors and prescribers, which are covered under the ASHM *Complaints Policy* and Professional Education procedures.

ASHM views vocational student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction.

This policy has been developed with regard to the National Code of Practice for responding to complaints about Vocational Education and Training quality.

This document sets out procedures for addressing vocational student complaints and appeals. These procedures are designed to ensure that student complaints and appeals are dealt with fairly, consistently and promptly.

2. Principles

ASHM vocational student complaints and appeals procedures are based on the following principles:

- Observation of natural justice throughout the process i.e. all parties are given the right to present their case and to be heard, provided with adequate notice of the allegations and advised of the procedures to be used. In addition ASHM will ensure that all members involved in the decision making process are unbiased and have no personal interest in the outcome.
- Confidentiality will be respected for all parties involved, unless the use of the information is authorised by law.
- Staff involved in resolving complaints or appeals will act fairly at all times and ensure that conclusions are based on a fair hearing of each point of view.
- There will be no reprisals or any disadvantage arising as a result of a student making a complaint or appeal in good faith.

- Complaints or appeals will be handled in a timely manner with achievable deadlines specified for each stage in the resolution process.
- Any student who makes a complaint or appeal and any staff member or student on whom the complaint or appeal has a direct impact will be regularly informed of the progress of the matter.
- There will be no charge for the complaints and appeals process.
- Any student with special needs such as those with limited English or literacy skills or those with a disability will be assisted in making a complaint or appeal as required. For example, students with a disability may appoint a carer to act on their behalf. Similarly those with limited English skills may work in conjunction with an interpreter.
- Resolution of a complaint may be reached at any stage. Once a complaint is resolved, all further investigation will cease unless ASHM considers that in the interests of improving the services, products or processes further investigation is warranted.
- Where complainants are not satisfied with the outcome proposed by the decision-maker, they can appeal to the Student Appeals Committee as set out in the Appeals Procedure section of this document. In the event of a complaint not being resolved internally to the complainant's satisfaction, the complainant may take further action by contacting an external body such as the NSW Vocational Education and Training Accreditation Board (VETAB) or the NSW Department of Fair Trading.
- The findings and outcomes of a complaint and/or appeal will be used by ASHM to address any systemic or underlying causes to prevent problems from occurring or recurring.

3. Definition of Complaints and Appeals

A complaint can be about any aspect of the services ASHM provides to vocational students. This could include complaints about teaching/training delivery, assessment, selection decisions, RPL, student amenities, discrimination, harassment and any other issues that may arise.

An appeal is where the student is not satisfied with the outcome of the complaint resolution procedure. For example, the student may believe that a decision has been made without sufficient consideration to the facts, evidence or circumstances of specific relevance to the student.

4. Student complaint procedures

The following procedures will be used for investigating and resolving vocational student complaints at ASHM.

4.1 Informal Investigation and Resolution

In the first instance, vocational students with complaints should discuss the matter with the person concerned as soon after the event that resulted in the complaint and within ten (10) working days of the event. If the student has concerns about raising the matter with this person, they can approach either of the Professional Education Division Managers. The student may elect to be accompanied by a friend, who is not a legal practitioner, during this informal discussion process. Note that in cases where the concerns are about a decision of a committee, this should ordinarily be raised with the chair of the committee.

ASHM expects that in most cases the discussion of the concern or complaint with the relevant staff member or other student will result in a prompt resolution of the matter which both parties will find acceptable.

During the informal process, the staff member should take appropriate action to resolve the matter which must include discussing the matter with the student, and may also include, but is not limited to:

- reviewing the student's records; and/or
- discussing the matter with other appropriate members of staff; and/or
- allowing the student to re-submit documentation where the staff member has reason to believe that the student had valid grounds for misunderstanding relevant requirements.

The informal resolution process must be completed within ten (10) working days from the date the student contacted the relevant staff member. An extension may be granted not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

The student will be advised in writing (letter or email) within three (3) working days of the conclusion of the informal resolution process. The letter or email will advise the student of the outcome of the informal resolution process, refer the student to support services as required and provide details of further action that the student may take if they are unsatisfied with the outcome.

If this informal approach to dealing with the student's concerns does not lead to an acceptable resolution, then the student should pursue the more formal process for resolution of the matter as set out below.

Note that informal complaints will be recorded as part of ASHM's Continuous Improvement Policy and will be used in the improvement of services to students.

4.2 Formal Investigation and Resolution

Having first attempted resolution of the complaint through the informal processes, a vocational student who believes that their complaint has not been adequately addressed is strongly advised to seek information and advice from a senior staff member such as the Professional Education Division Managers. Following this advice, the student may then decide to take no further action, or to lodge a formal complaint.

If the student decides to lodge a formal complaint, they must do so in writing to the Training and Accreditation Manager. However, if that person is the subject of the complaint or is perceived to have a conflict of interest in relation to the matter, then the next most senior staff member must be approached, the Chief Executive Officer.

The request for formal investigation must be lodged in writing within ten (10) working days of the date of notification of the outcome of the informal resolution process.

The student's letter must state the reason(s) for the complaint, detail the outcome of the informal resolution process, include any specific issues which the student wishes to present and where relevant, attach copies of documentary evidence. The Training and Accreditation Manager or other senior staff member will acknowledge receipt of the written complaint in writing within 5 working days and indicate when a resolution of the matter can be expected.

The Training and Accreditation Manager or other senior staff member will independently review the complaint and attempt to find a resolution of the problem through:

- reviewing the student's letter and the outcomes of the informal resolution process
- verifying that all appropriate procedures have been correctly carried out
- seeking additional information from appropriate staff concerning the subject of the complaint
- discussing the matter directly with the student
- undertaking other action as appropriate
- ensuring that confidentiality is maintained.

After consideration of all of the available evidence, the investigating staff member may decide to dismiss the complaint or uphold the complaint. Where the complaint is upheld, the investigating staff member may direct that any or all of the following actions be taken:

- appropriate reparation be made to the student
- the student's enrolment status is restored
- administration systems, policies or procedures are reviewed
- appropriate actions to address systemic or underlying causes (if any) be undertaken, with a view to preventing problems from occurring or recurring
- any other actions as appropriate.

If it is found that the complaint is frivolous or vexatious or there are no grounds or evidence, the staff member investigating the matter will not offer any resolution of the

complaint but will advise the parties that the matter has been investigated, closed and the reason for the closure.

The staff member investigating the complaint must keep formal records of the actions taken including the Student Complaint Record Form and all correspondence. The investigating staff member must also notify the student in writing of the outcome of the complaint process and document the reasons that resolution was or was not achieved, as the case may be. The letter must also advise the student of their right to appeal the decision. The letter to the student must be sent within ten (10) working days of receipt by the management unit of the student's formal complaint submission.

Note that records of all complaints will be retained. Records will be kept strictly confidential and filed separately to the student or staff file. Parties to the complaint will be allowed supervised access to these records.

4.3 Appeal

If after following the first two stages of complaint resolution as discussed above, the vocational student does not believe the complaint has been appropriately resolved, he/she may appeal to the Student Appeals Committee (SAC) in writing. The Committee is convened on an ad hoc basis and can consist of the CEO, Managers and Board Members invited by the CEO to consider each complaint. The SAC will carefully consider all aspects of the case and the procedures followed, and their decision shall be final.

The SAC will act as a final appeal body in all matters relating to students and their complaints against decisions made by ASHM and its staff.

A student seeking to appeal to the SAC must submit a written case for appeal within 20 working days of the date of notification of the outcome of the investigation into the complaint. This submission must cite the grounds on which the appeal is based. Students may seek assistance in the preparation of their submissions from either of the Professional Education Division Managers. The SAC will acknowledge receipt of the notice of appeal within 5 working days of its lodgement.

The SAC will meet within 15 days of receiving the notice of appeal. The student lodging the complaint will be given the opportunity of appearing before the SAC to present his or her case, as will the person against which the complaint is made. An advocate, who is not a legal practitioner, may accompany the student.

The SAC may endorse the finding of the investigating officer in relation to the complaint or determine an alternative resolution. It may also initiate an internal review of procedures relating to the academic or administrative subject of the complaint. The SAC will confirm its decision in writing to the student within 5 working days of the decision being made and will document the outcome of the considerations of the committee and the reasons for the decision.

The decision of the SAC is final and is not subject to further review within the ASHM. However, this does not preclude a student from seeking review of this by an appropriate external body such as VETAB or the Department of Fair Trading. ASHM understands

that the advice of external bodies is that students should first attempt to resolve their complaints internally using the documented procedures of ASHM before seeking external review.

4.4 Withdrawal of complaints or complaints

A student may withdraw a complaint or complaint at any time during the complaint resolution process. When this occurs the matter will be concluded and deemed to be resolved. If the original complaint or complaint was made in writing then the withdrawal must also be in writing to the relevant staff member who is handling the matter at the time the withdrawal is being effected or, where the matter is before the Student Appeals Committee, the Executive Officer of that Committee.

This student complaints and appeals policy and procedure will be reviewed annually as part of ASHM's internal audit procedures.