

PE Complaints and Appeals Policy and Procedure

Policy and Procedure Name	Complaints and Appeals Policy and Procedure
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1. Purpose and Scope

The following policy and procedure outlines Performance Education’s approach to providing its stakeholders with an accessible, transparent, fair, and efficient complaints/appeals management process.

The Complaints and Appeals Policy and Procedure applies to stakeholders related to service delivery (e.g., student recruitment/enrolment, delivery of training and assessment, fees and refunds, privacy, advertising, and marketing practices). Stakeholders represented in this policy include students, trainer/assessors, and other team members of Performance Education as part of Gradability Pty Ltd.

- This policy and procedure document also ensures that PE manages and responds to any allegations involving the conduct of:
 - Trainer/Assessors and PY program staff,
 - Any third-party providing services on behalf of the Performance Education and Gradability Pty Ltd, its trainer/assessors or other staff, or
 - A student within the Professional Year Program.

The ‘Continuous Improvement Policy and Procedure’ may provide additional information to support the complaint and appeals management system.

2. Abbreviations/Definitions

Appeal	A formal application to have an assessment decision or finding reviewed
Appellant	The person who is asking to have an assessment decision or finding reviewed
ACS	Australian Computer Society- Governing body for IT Professional Year
Accounting PYP/APYP	Accounting Professional Year Program- Governing body for Accounting Professional Year
Complaint	A grievance that requires a formal resolution process.

Complainant	The person or organisation who has raised the complaint
Natural Justice	Natural justice is a term that is used to label a process in which a person receives a fair and unbiased hearing before a decision is made that will negatively affect them. The three main requirements of natural justice that must be met in every case are: adequate notice, fair hearing, and no bias.
PE	Performance Education, a trading name applied by Gradability Pty Ltd
RTO	Registered Training Organisation

3. Policy

PE understands that from time to time stakeholders may wish to make an informal or formal complaint about an aspect of service delivery or choose to appeal an assessment decision or process that they feel is unfair. PE welcomes such feedback as it provides valuable information that can be used to meet the needs of its stakeholders and improve the delivery of its service and its working environment.

Informal complaints are usually the most common types of complaints. Students, trainers, and all team members should first engage in the informal complaint process prior to considering a formal complaint. The informal complaint process is outlined in section 4.1 and 4.2 of this document. For the benefit of all parties, discussions and mediation in the informal process should always be undertaken prior to making a formal complaint. In the support of natural justice, this gives all parties the right to their point of view in an informal manner to find meaningful rectifications to the initial complaint that support and satisfy each party fairly and equitably.

Formal complaints must be undertaken after the informal complaint process has first been undertaken and the complainant feels that a fair result has not been achieved. These types of complaints are used when there is substantiating evidence of wrongdoing. These are received in writing. Please refer to the formal complaint procedure in section 4.3 and 4.4 of this document for further details.

Appeals are written requests for reconsideration of a decision. At PE, common types of appeals are for:

- Assessment decisions; or
- Additional Fee waivers; or
- Declined extenuating, compassionate, or compelling circumstances.
- Internship failure decisions

As such, details of these processes can be found in section 4.4 of this document.

3.1 PE Complaint principles

The principles of the organisation's complaints and appeals process are as follows:

3.1.1 The Complaints and Appeals Policy and Procedure is free and publicly available to all stakeholders.

3.1.2 Information on how to make a complaint/appeal is available in this policy and the following related documents listed below:

- Consumer Protection Policy and Procedure
- PE website
- ACS Complaint Policy (as referenced in parts of this Policy)

3.1.3 Clients are entitled to contact the appropriate state-based Training Ombudsman to be made aware of their rights and options. Information can be found at these addresses:

- NSW: www.ombo.nsw.gov.au
- VIC: www.ombudsman.vic.gov.au
- SA: www.ombudsman.sa.gov.au
- QLD: www.ombudsman.qld.gov.au

3.1.4 Procedural fairness and the principles of natural justice are adopted at each stage of the complaint/appeal process.

3.1.5 For formal complaints, the decision maker is always independent of the complaint being reviewed.

3.1.6 Confidentiality of information is maintained at all stages of the complaint/appeal process in accordance with our Privacy Policy (see PE website or Moodle for details).

3.2 Complaint response times

3.2.1 Informal complaints are investigated and resolved within **5 working days** from the received complaint, where possible. Where practicable, informal complaints are resolved at the time that they are raised.

3.2.2 All formal complaints received are acknowledged in writing within **3 working days** and finalised after a comprehensive investigation has occurred. PE aims to form a response to the complainant within **10 working days** of all formal complaint being received.

3.2.3 Where the organisation considers more than **60 calendar days** are required to process and finalise the formal complaint they will inform the complainant in writing as to why this is required and will provide the complainant regular progress updates on the progress of this matter. Updates will be provided in writing.

3.2.4 Where formal complaints are unable to be resolved within the **60 day timeframe**, the complainant may choose to appeal/review the complaint with an appropriate third party, that is independent from PE and the complainant. This may be, in some cases, the governing body for the Professional Year Program undertaken by the student. For IT students: See ACS Complaints and Appeals Policy and Procedure in Moodle.

3.3. Resulting actions after resolved complaints or appeals

If complaints/appeals are received that are similar in nature or are becoming more frequent this triggers a continuous improvement opportunity. PE strives to review their activities continually across the year. While policies and procedures are scheduled for review, changes may be needed outside of these periods. Therefore, to mitigate the likelihood of similar complaints/appeals reoccurring where there are clear indicators that there is need for review, i.e., in the case of more frequent complaints around a particular issue, the continuous improvement register is updated and a review of the issue is commenced, led by the Compliance team. The review process will involve team leaders, managers and nominated key staff to ensure that a wholistic review is in place. This process is found in the Continuous Improvement Policy and Procedure.

3.4 Complaint or Appeal data management

PE securely maintains records of all complaints and appeals and their outcomes for a period of **30 years**. Data regarding informal and formal complaints are housed within the secure cloud storage provided by our student management system vendors. Where migration of historical data is required, a project plan must be developed to ensure that proper data transfer is completed in a secure manner, and managed by appropriately trained and experienced individuals, whether employed by Gradability or contracted outside of the company.

3.5 Privacy

All complaint/appeal communication/documentation at each stage of the complaint/appeal resolution processes is managed in accordance with PE's Privacy Policy and Procedure. Formal complaints investigated by the Compliance Team are saved in a secure, limited access folder in the Compliance SharePoint files.

4.Procedure

4.1 Informal Complaint Resolution

Complaints can range in severity and complexity. Informal complaints may be received verbally or in written form. Informal complaints are usually appropriate when:

- the stakeholder wants to complain informally
- the complaint/appeal is less serious and will not affect the stakeholder or the company in a major way
- there is chance of stopping the problem quickly before it becomes a major issue
- a suitable resolution can be found quickly and does not hinder the stakeholder, the business, or the business activity

Students must first make a complaint informally. All steps in this section must be undertaken before a formal complaint can be made. In cases where a student feels threatened or feels they could be harmed in any way; the student may feel uneasy about approaching the relevant staff member and may choose to address another staff member or proceed to the formal complaints process. If choosing the latter option, the student must provide as much information and/or evidence as possible to support their complaint.

4.1.1 Resolve concerns or difficulties with the person directly. For informal complaints, students may wish to speak with a trainer/assessor, student services or with a delivery lead, if one is known to them. Team members are experienced in assisting with the resolution of informal issues and escalating to the appropriate support where necessary.

4.1.2 Informal complaints can be received in writing via email to py@performance.edu.au or verbally via face to face or over the phone. Once a complaint is received, depending on the nature of the complaint, a Student Services Coordinator will investigate and seek to resolve issues, ensuring resolutions are fair, equitable, and in accordance with the relevant policies & procedures. This includes regulations and directives from PE's governing bodies. Should a trainer/assessor be the first recipient of the informal complaint they will discuss any concerns that the student has, advise student of the steps, document this discussion, and advise the relevant team member for internal follow up with the student.

4.1.3 Should a Student Services Coordinator require additional clarification or approval, they will consult with a line manager which in most cases will be the Student Services Team Leader, Delivery Leads, Operations Manager - Delivery or Student Services Manager.

4.1.4 All communications, actions taken, and outcomes in relation to the complaint should be documented in the relevant student profile in the Student Management System (for e.g., Leave notes on the Diary or upload the evidence on the Upload section of the Student profile) for reference, evidence, and clarity of process undertaken unless the nature of the complaint warrants additional confidentiality, as determined Compliance Team, who will maintain a separate record.

4.1.5 For further clarification where necessary, consultation may be required for guidance or advice from the Compliance Team and/or the Head of Customer Experience. These escalation points are to be accessed only by the Student Services Team Leader, Student Services and Internships Manager or Operations Manager – Delivery

4.1.6 Where students are dissatisfied with the outcome or the grievance is of significant and ongoing concern, students may proceed to the formal complaints process **only** after all steps from 4.1 to 4.1.7 have been completed.

4.1.7 Summary: PE Informal Complaints Procedure

- i. Student complains to PE team member (e.g., Student Services Coordinator, Trainer/Assessor)
- ii. PE team member tries to resolve
- iii. Not resolved, escalates to relevant department Manager or Team Leader
- iv. Needs further clarification, the relevant Team Leader or Manager may seek guidance from the Compliance Team or Head of Customer Experience (Head of Customer Experience has the decision making responsibility here. The Compliance Team informs on risk and regulations)

- v. Not resolved, student may put in formal complaint to Compliance Team in writing via compliance@gradability.com.au (see Section 4.2 for procedure)

4.2 Formal Complaint Resolution

Formal Complaints must be submitted, in writing to the Compliance Team via compliance@gradability.com.au

Formal Complaints require a process of investigation, full disclosure of the nature of the grievance and the effect of this on the complainant.

Depending on the nature of the complaint, a formal complaint may be the result of an unresolved informal complaint or complaints that relate to threatening or harmful behaviour.

The formal complaint process is applicable if:

- The stakeholder feels threatened or feels they could be harmed in any way
- The informal complaint resolution was unsatisfactory or did not resolve the issue
- The stakeholder feels negatively impacted by the situation in a manner that they cannot proceed as per normal. Evidence must be provided to support this.

Generally, formal complaints will have more details and evidence provided to substantiate the complaint. If this is not evident then these will be requested from the complainant to understand the nature and gravity of the complaint and to support the investigation of the complaint.

4.2.1 Acknowledgment of complaint will be made in writing via email within **3 working days** of receiving the formal written complaint. The Compliance Team will outline the next steps to be taken in the resolution process.

4.2.2 A comprehensive and objective investigation occurs. Care will be taken to protect the rights and privacy of all involved. The principles of procedural fairness and natural justice are adopted at each stage of the complaint process. Investigation may include speaking with individuals involved (separately) and requesting further evidence. Should a formal meeting need to take place a complainant or respondent is entitled to be accompanied by a support person.

A resolution will be provided within **10 working days** of receipt of the formal complaint. Where this process could take over **60 calendar days** the complainant will be notified in writing as to why this is required and will be provided with regular progress updates on the progress of this matter.

4.2.3 Outcome notification deadlines are in place to ensure a fair and timely decision is made. The Compliance Team, in this process, is the independent decision maker. The complainant is notified in writing of the outcome of their complaint (outcome notification) as per clause 4.2.2.

4.3 Independent review

If the complainant is dissatisfied with the outcome of their formal complaint, they can ask for their case to be reviewed by an independent party. PE must receive notification of this intention within **10 working days** from the date of outcome notification.

In the instance that an independent review is requested, PE will organise for an independent party to review the complaint and, where required, mediate the resolution. There will be no additional cost to the complainant for the review of the complaint/appeal by an independent party.

The complainant may also decide to engage with these independent parties of their own volition. Should this occur, PE must still be notified within **10 working days** from the date of outcome notification that this will occur. Details must include the name of the authority for which the independent review will be sought.

Table 4.3.1. lists some of the contacts that may be engaged in independent reviews.

Table 4.3.1

Relevant authority	Contact
Accounting PYP	info@accountingpyp.com.au
Australian Computer Society	professionalyear@acs.org.au.
NSW: Office of Fair Trading	www.fairtrading.nsw.gov.au
VIC: Consumer Affairs Victoria	www.consumer.vic.gov.au
QLD: Fair Trading Queensland	www.fairtrading.qld.gov.au
SA: Consumer and Business services	www.cbs.sa.gov.au

If the cause of the complaint is around the collection, use, disclosure, or storage of personal information the student can complain to the Office of the Australian Information Commissioner. Further information can be found on www.oaic.gov.au

4.4 Appeal Resolution

As mentioned in Section 3, appeals fall into four categories:

- Assessment decisions.
- Additional Fee waivers.
- Declined extenuating, compassionate, or compelling circumstances.
- Internship failure decisions

4.4.1 In the case of appeal students are asked to lodge an appeal within **7 calendar days** of the unfavourable decision being made.

4.4.2 Assessment Appeals.

Students may wish to appeal an assessment decision or raise concerns regarding the feedback provided by the Trainer/Assessor. Appeals can only be made after a student has exhausted their allocation of re-attempts of the assessment or if they believe they have sufficiently met all the assessment criteria but not achieved the required pass grade.

- i. Appeals cannot be made regarding RAW attendance or RAW assessment fees incurred.
- ii. Students are encouraged to resolve complaints and appeals through informal channels first, directly with the Trainer/Assessor at a mutually convenient time.
- iii. If a student does not wish to contact the Trainer/Assessor, or they are dissatisfied with the outcome of the meeting with their Trainer/Assessor, they may seek assistance from the Delivery Lead. The Delivery Lead will arrange a suitable time to meet with the student to discuss the matter and will attempt to resolve the matter by reviewing the relevant assessment evidence and feedback.
- iv. A mutually agreeable resolution may be found by either providing further explanation on the assessment decisions and/or making arrangements for re-assessment. This may entail a RAW or marking completed by another Trainer/Assessor. If this option is taken, the assessment is reviewed by another independent Trainer/Assessor. The Trainer/Assessor will not be provided the marked assessment, i.e., they will be provided the student's assessment without comments or grades. This is to ensure fairness and natural justice.
- v. Once the assessment has been reviewed, a decision is made about the grade awarded. If the grade is lower than the original, the original grade stands. If the grade is higher, a recommendation of whether the appeal is upheld or denied is made by the Operations Manager - Delivery and conveyed to the student.
- vi. If still unsatisfied with the outcome, complainants will be directed to submit a complaint as per the Complaints and Appeals Policy and Procedure. This outlines the process for formal complaints and is available in the "Student Policies" file in Moodle.

4.4.3 Any 'Additional Fees' will only be waived if there are **extenuating, compassionate or compelling circumstances**, or an error made by PE, that resulted in these fees being applied. See 'Extenuating, Compassionate and Compelling Circumstances Policy and Procedure' available in Moodle. If the decision to waive fees is denied, students can follow the formal complaint procedure in section 4.2.

4.4.4 Appeals regarding the declined extenuating, compassionate and compelling circumstances can be dealt with in the same manner as Formal complaints. See section 4.2 for steps to follow in this instance.

4.4.5 Internship Failure Appeals

Where a student has failed an internship and has been removed from their internship host company without successfully completing the entire 12 weeks and meeting the expected performance and behaviour criteria, the student will be charged a fee for re-placement into a new host company. An appeal can only be made to dispute the charge of the re-placement fee. No appeal can be made to have the host company reinstate the student into the internship with the same host company. This is because the host company is not obligated to take interns and does so to benefit the professional learning of their students.

Should a student feel that dismissal from the internship was unfair and has evidence that can be provided to support their claim, an appeal can be made in writing to their Placement Consultant, who will confer with the Placements Manager regarding the appeal and the appeal outcome. In some instances, members of the management team may also be called upon to assist in investigating the appeal in order to provide a different point of view.

Appeal decisions are final and cannot be appealed again with PE.

4.4.6 Independent reviews may be undertaken if the appeal is unsuccessful, however, PE requires 14 calendar days written notification from the declined appeal notice that this is the intention of the student. Details must include the name of the authority for which the independent review will be sought.

4.5 Documentation, Record Keeping and Data Storage

4.5.1 All formal complaints and appeals are recorded in PE's Complaints and Appeals Register. The register and all other associated documentation are securely stored (electronically) for a period of **30 years**.

4.5.2 All communications including emails, phone call logs and verbal communication notes regarding informal complaints are managed within the student profile in the SMS unless deem a privacy issue, and in this case, these will be stored and recorded by the Compliance Team in a secure location with limited access.

4.5.3 All outcomes are documented in the student file in the Student Management System. Formal complaint outcomes are documented in the Complaints and Appeals Register managed by the Compliance Team.

4.5.4 All assessment appeal results are documented in the aligned student profile in the Student Management System.

4.5.5 All Internship appeals and results are documented and stored in the student profile in the aligned Internships Student Management Platform.

4.6 Monitoring

4.6.1 All formal complaints are documented on the 'Complaints Register'.

4.6.2 The 'Complaints Register' is monitored by the Compliance Team to ensure that required timeframes are met and are realistic, opportunities for improvement are actioned and the process is fair, transparent, and conducted in a way that protects the rights of its consumers.

4.6.3 The 'Complaints Register' is contained in a safe and secure folder in the Compliance SharePoint files and is supported by the Privacy Act 1988.

4.6.4 The Executive team is made aware of all formal complaints and appeals and the outcomes of these by the Compliance Manager where deemed necessary or when they pose a business risk.

4.6.5 Information on informal complaints will be provided to the Executive team where these may inform procedural change.

4.6.6 Any procedural changes resulting from informal complaints, formal complaints or appeals will be added to the added to the 'Continuous Improvement Register' by a Compliance Team member.

5. References and related documents

- Accounting PYP Provider Manual v2.0
- ACS Professional Year Provider Manual, section 5.7.3
- PE Privacy Policy
- Privacy Act 1988
- Complaints and Appeals Register
- Continuous Improvement Register
- Extenuating, Compassionate and Compelling Circumstances Policy and Procedure
- Assessment Management Monitoring and Marking Policy and Procedure
- Continuous Improvement Policy and Procedure
- Record Retention and Archiving Policy and Procedure