

SECTION 6.3.3: STUDENT COMPLAINTS AND APPEALS POLICY

The Australian Ballet School

RESPONSIBLE: Executive Director

THIS VERSION APPROVED BY THE BOARD: July 2022 (RTO Compliance)

REVIEW DATE: June 2024 (internal operational review)

POLICY ACCESS LOCATION: Staff Portal, Student Portal, The Australian Ballet School website

1. PURPOSE

The Australian Ballet School (School) is committed to having clear and open mechanisms to deal with dissatisfaction, formal complaints and appeals of its students, staff members, and parents/carers of the School fairly, **confidentially**, so far as the circumstances allow, and in an efficient manner.

The purpose of this policy is to provide direction for the management and resolution of student complaints and appeals, while ensuring compliance with Standard 6 of the Registered Training Organisation (RTO) **Standards**.

Related Policies:

Code of Conduct (1.2), Bullying Policy (5.1.1) and Child Safe Standards (6.4).

2. WHO DOES THIS POLICY APPLY TO

This policy applies to all staff members, students and parents/carers of the School.

3. DEFINITIONS

Appeal: means a request for a decision made by the School to be reviewed.

Appellant: means the person who requests the Appeal.

Assessors: persons who assess a student's competence.

Complaint: means a person's formal expression of dissatisfaction with any training product/package or service provided by the School.

Complainant: means the person who makes the Complaint.

National Regulator: means ASQA (Australian Skills Quality Authority).

Natural Justice: the right of a person against whom an allegation is made, to know what is alleged against them, the right to put their case in reply and the right for any decision to be made by an impartial decision-maker.

Services: means training, assessment, related educational and support services and/or activities related to the recruitment of prospective students. It does not include services such as student counselling, mediation or Information and Communications Technology (ICT) support. **Standards**:

- for students from across Australia enrolled in the Schools VET-Accredited Courses means:
 - the <u>Standards for Registered Training Organisations (RTO's) 2015</u> made under the <u>National Vocational Education Training Regulator Act 2001</u>.
- for students from outside Australia enrolled in the School's CRICOS-accredited courses means:
 - the CRICOS (Commonwealth Register of International Courses for Overseas Students)
 ESOS Act 2018 "Standard 9 of the National Code of Practice for Providers of Education & training to Overseas Students" (the Code)

Both requiring the School comply with the VQF (VET Quality Framework) see via link at www.asqa.gov.au.

Trainer: a person who holds the required credentials, vocational competencies, formal training qualification as prescribed by ASQA.

4. POLICY

This policy provides the guidelines the School has in place to manage dissatisfaction formal complaints and appeals of students, staff members and parents/carers of the School.

4.1 Nature of complaints and appeals:

The School responds to all allegations involving the conduct of:

• The RTO, its Trainers and Assessors and other staff; \Box Any student at the School.

Complaints may be made in relation to any services or activities provided by the School such as:

- The application and enrolment process;
- Marketing information;
- The quality of training and assessment provided;
- Training and assessment matters, including student progress, student support and assessment requirements;
- The way someone has been treated, including but is not limited to processes for complaints and concerns which are child focused; The actions of another student.

An appeal is a request for a decision made by the School to be reviewed. Decisions may be made about: • Refunds;

- Response to a complaint;
- Assessment outcomes/results;
- Other general decisions made by the School.

4.2 Principles of resolution:

It is expected that in managing Complaints and Appeals, all parties involved will be honest, where everyone is treated with respect, fairness and Confidentiality is maintained, so far as the circumstances allow, recognizing that there may be other points of view and perceptions and working towards an acceptable and positive outcome for all concerned.

The identity of the Complainant will be protected unless permission for disclosure is given.

In addition, the School will address complaints efficiently in accordance with the principles of Natural Justice and relevant regulatory frameworks. A timeline for investigation and resolution will be communicated with the Complainant. The School will ensure that complaints and appeals are:

- Responded to in a consistent and transparent manner;
- Responded to promptly, objectively, with sensitivity and Confidentiality;
- Able to be made at no cost to the individual;
- Used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

The School will inform all persons or parties involved in any allegations made as well as providing them with the opportunity to present their side of the matter.

4.3 Timeframes for resolution:

- The School will endeavour to respond in writing to complaints within 10 working days or 10 days from when the School reopens if a complaint is received during a period of school closure;
- · Critical matters will be addressed within 24 hours in general, unless the School is officially closed and unattended;
- Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer;

Where the School considers more than 60 calendar days are required to process and finalize the complaint or appeal the Complainant or Appellant will be informed in writing, including the reasons why more than 60 calendar days are required. Regular updates on the progress of the matter will be provided by the School until such time that the matter is resolved.

5. PROCEDURES

5.1 Making a complaint or appeal:

Complaints about a particular incident should be made as soon as possible after the incident occurring and Appeals must be made within 30 calendar days of the original decision being made.

Students who feel they have a valid complaint in relation to any aspect of their studies, are advised to undertake the following:

- Discuss the matter with the School Counsellor, relevant teacher and/or Director and establish a strategy to manage the complaint with the expectation of a positive outcome;
- If the matter is not resolved, details of the complaint and/or appeal must be lodged in writing by the Complainant using the School's "Complaints & Appeals Form" (Attachment A, below) and emailed to support@australianballetschool.com.au
- When making a complaint or appeal, as much information as possible should be provided, including what happened, its effect, evidence of support and any steps already taken to resolve the issue. Suggestions about how the matter might be resolved can also be included. o All formal complaints received into the ABS in accordance with this policy will be recorded in the School's "Complaints & Appeals Register" and actioned as prescribed in 5.2 below.
- In all cases complainants have the right to access advice and support from independent internal or external persons or agencies at any point in the subsequent formal complaints and appeals resolution process.

- Use of external support services will be at the expense of the complainant unless otherwise determined and authorised by the Director or Executive Director.
- There is no cost associated in lodging a complaint with the School, however costs may be incurred if independent parties are engaged to review a matter. The distribution of costs will be assessed on a case-by-case basis;
- The identity of the Complainant will be protected, as far as the circumstances allow, but cannot be guaranteed;
- The School will maintain a student's enrolment and, where applicable, accommodation and well-being arrangements while the internal complaints process is being conducted, unless extenuating circumstances in relation to the student apply. This does not necessarily mean that a student must remain in class while the complaints/appeals process is being conducted.

5.2 Resolution of complaints and appeals:

- Complaints will be assessed by members of senior management of the School consistent with processes and protocols prescribed in the School's <u>Code of Conduct Policy</u> (Section 4.2 refers):
- Where a Complaint or Appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made;
- Complainants will be provided with a written statement of the outcome, including details and reasons for the decision;
- · Complainants have the right of appeal;
- In the case of an assessment appeal, an Assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

5.3 Independent Parties:

- The School acknowledges the need for an appropriate independent, party to be appointed to review a matter where this is requested by the Complainant or Appellant and the internal processes have failed to resolve the matter.
- Costs associated with independent parties to review a matter must be covered by the Complainant/Appellant unless the decision to include an independent party was made by the School;
- The School may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary;
- The School will provide complete cooperation with the independent party investigating the complaint/appeal and the recommendations arising out of this process;
- The Director will ensure that recommendations made are implemented within twenty (20) days of being notified of the recommendations. The Complainant or Appellant will also be formally notified in writing of the outcome of the review.
- If the outcome of the complaint, either internal or external, is favourable to the student, the School will immediately advise the student of this and implement any decision and/or corrective and preventative action as soon as required.

5.4 Records of complaints and appeals:

The School will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register, which will be securely stored according to the School's Privacy Policy.

These policies and procedures and the availability of a complaints and appeals process does not remove the right of the student to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

5.5 External complaints pathways:

Complaints can also be made to the following:

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Complaints can be registered by:

- Phone: 13 38 73, Monday Friday, 8am to 6pm nationally.
- Email: If you have raised your concerns with the organisation that you have a grievance with and you are not satisfied with the outcome, please complete and lodge the DESE - National Training Complaints online form National Training Complaint form.
- For further information about the National Training Complaints Hotline, refer to the following webpage: https://www.education.gov.au/NTCH
- Australian Skills Quality Authority (ASQA):

Complainants may also complain to the Schools registering body, ASQA. ASQA can investigate complaints about the School in relation to:

the quality of the School's training assessment; - the School's marketing and advertising practices.

For students and other stakeholders:

- ASQA may not be able to investigate a complaint if you do not include evidence that you have already exhausted the School's formal internal complaints process as detailed above.
- If your compliant does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
- Please refer to the following webpage before making a complaint to ASQA: https://www.asga.gov.au/students/complaints-about-providers

ATTACHMENT A The Australian Ballet School: Complaints & Appeals Record

Complainant Details	
Name:	
Contact details:	
Date:	
Complaint Details	
Course:	
Please outline your complaint:	
Please include an outline of the issue in detail What happened When did items occur Who was involved	

Why do you think this		
issue has occurred?		
What actions would		
you like to happen in		
order to resolve this		
issue?		
13300:		

Complaint Handling			
Complainant type:	→ Student	→ Staff Member	→ Third Party
	→ Student Advocate	→ Stakeholder	→ Other Party
Complaint received by:	→ By telephone → By email	→ In person → By letter / mail	→ By fax → Other:
Complaint Recipient:			
Complaint raised against:	→ The School → Staff Member	→ Student	→ Third Party

Details:		
Complaint allocated to:		
Identified primary cause of complaint:	→ Time / Response Issue → Communication Issue → Training Product / Course Issue → Client Needs Not Defined Issue → Client Service Issue	→ Poor response to information request → Personnel Issue → Promises Not Delivered Issue → Other:
Further complaint details:		
Actions taken to resolve complaint:		
Complaint Handling		
Raised Continuous Improvement Record		Include reference number if applicable

Actions taken to prevent	→ Update to course / training product→ Provision of additional information
reoccurrence:	→ Amended system / policy / procedure → Personnel training conducted → Personnel support undertaken → Other:
Written confirmation to complainant:	Attached Date despatched: Method of despatch:

RTO Manager name & signature: