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Documents:	Procedure - Resolving Complaints under Standard 10 of the National Code of Practice (2018) for Providers of Education and Training to Overseas Students (Catholic Education SA) Complaint/Appeal Report Form Complaint/Appeal Register Complaint/Appeal Schematic		
References:	Access Equity Fairness policy Student Handbook Student Support Services		
Relevant Standards:	Standards for Registered Training Organisations (RTOs) 2015 ELICOS National Standards 2018 Education Services for Overseas Students (ESOS) Act 2018 National Code of Practice for Providers of Education and Training to Overseas Students 2018		
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Position:	Principal		



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PURPOSE

This policy is to ensure that Blackfriars Priory School (Blackfriars) stakeholders, and in particular students, are aware of the appeals process and the rights and responsibilities afforded to everyone.

POLICY

It is the policy of Blackfriars to manage its process in a fair and equitable manner that ensures all stakeholders are provided with a timely and transparent framework to lodge appeals.

Blackfriars provides a process for advocacy, internal mediation and external independent mediation to resolve disputes and appeals.

A stakeholder and/or Blackfriars may nominate;

- an advocate to accompany, represent and support them
or
- an external independent mediation process

at any stage of the appeal process.

Blackfriars commits to an appeal process with the following guiding principles.

Confidentiality

Only the parties directly involved in lodging or investigating or mediating an appeal will have access to information about the appeal.

Discussion of the matter by parties to the appeal with other Blackfriars stakeholders, or other parties either internal or external is not permitted and will breach Privacy Principles. Such discussion may also hamper the effectiveness of the process.

Impartiality

All parties will be provided with equal opportunity for discussion and response. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.

Blackfriars reserves the right to seek expert advice as to the appropriate action to be taken in regard to the outcome of an investigation.

Stakeholders may have an advocate present throughout the process.

Free from Repercussions

No action will be taken against any individual or entity for lodging a valid appeal or assisting someone to lodge or manage a valid appeal.

Blackfriars will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a valid appeal.

Blackfriars reserves the right to take appropriate action against an individual or entity that lodges a Frivolous or Malicious appeal, or knowingly lodges a false appeal.



Timely & Transparent

All appeals will be dealt with as quickly and transparently as possible.

An abbreviated description of the appeals process is included in the Student Handbook and Students will be verbally informed of the appeals procedure as part of their induction process.

SCOPE

This policy encompasses:

- current and past students;
- student candidates;
- employees;
- contractors;
- suppliers and providers;
- regulatory authorities.

This policy does not cover complaints. Please refer Complaint Process.

DEFINITIONS

Advocate	Individual who accompanies an appellant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation.
Appeal	An appeal arises when a stakeholder is not satisfied with a decision taken by Blackfriars.
Appeal Event	Actual instance of decision that occurred for which the appeals being lodged.
Complaint/Appeal Committee	A number of persons nominated by the Principal to review decisions that an Appellant does not accept as satisfactory.
Appellant	Person or entity that lodges an appeal.
Contractor	Individual or entity engaged by Blackfriars under contract to deliver specified work on its behalf (e.g. sessional trainer/assessor).
Blackfriars Representative	For the purposes of the Appeal Process this will normally be the CEO or their delegate.
Employee	Person employed by Blackfriars on a full or part time or casual basis. Does not include Contractors.
Frivolous Appeal	Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal. (without truth or foundation).



Legal Representation	A lawyer or similar who is engaged by the appellant or Blackfriars to represent them in a formal and legal process which may be initiated if the appeal process including external mediation fails.
Malicious Appeal	Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal (without truth or foundation).
Mediation Event	Meeting, intervention or other event specifically designed and arranged with the goal of a satisfactory outcome.
Non-Employee Stakeholder	Individual or Entity who is not legally employed by Blackfriars (e.g. Supplier, Contractor, Regulatory Authority).
Parties to the Appeal	All individuals and/or entities who are directly involved in lodging or investigating or mediating an appeal.
Stakeholder	General term inclusive of any individual or entity with whom Blackfriars has a relationship including but not limited to employees, students, contractors and suppliers.
Zero Tolerance	Blackfriars will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. Blackfriars will take action against any individual or group of individuals proven to have breached these principles and that action may be to the extent of termination of employment or contract or removal of students from hosting.

PROCEDURE

Documentation

The process must:

- be documented at each step using the Complaint/Appeal Report Form;
- registered in the Complaint/Appeal Register;
- ensure that all parties sign and receive hardcopy of the record within five (5) working days of the completion of each step;
- a copy is filed in line with Privacy Principles

Appellant Support

If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.

Blackfriars will provide assistance throughout the process.



Appeal Process

The process will be:

Learning & Assessment Appeal

The process for appeal for a learning or assessment decision made by Blackfriars is as follows:

- Appellant (person who is appealing the decision) lodges a verbal or written appeal to Blackfriars within 20 days of the date of the decision. Where an appeal is made verbally it must be supported in writing within the 20-day appeal period;
- An appeal in relation to a learning or assessment outcome should be directed to the teacher concerned;
- Blackfriars documents the details of the appeal attaching the original appeal letter from the Appellant if provided;
- Within five (5) working days of receipt of the appeal a meeting is arranged by Blackfriars, between the teacher and the Appellant to discuss the Appellant's concerns. The discussion is recorded by the Blackfriars teacher and signed off by the Appellant.
- Within five (5) working days of the meeting the Blackfriars teacher informs the Appellant of the decision. The decision may be given verbally or in writing, however, a written notification must be provided to the Appellant supporting a verbal advice.
- If the Appellant is dissatisfied with the decision, they may make an appeal to the Deputy Principal, Secondary (7-12). This appeal must be in writing clearly stating the Appellant's concerns.
- The Deputy Principal, Secondary (7-12) will meet with both the teacher and the Appellant within five (5) working days of receiving the appeal notice. The meeting is to be documented.
- The Deputy Principal, Secondary (7-12) will advise the teacher and the Appellant within five (5) working days of the meeting of the decision.
- If the Appellant is dissatisfied with the decision of the Deputy Principal, Secondary (7-12), they may make an appeal directly to the Principal. This appeal must be in writing clearly stating the Appellant's concerns.
- The Principal will meet with all parties within five (5) working days of receiving the appeal notice. The meeting is to be documented and signed off by all parties.
- The Principal will advise the parties within five (5) working days of the meeting of the decision.

In the case of an assessment appeal the determination may be:

- a. that a student should be reassessed by an alternate teacher; or
- b. that the original decision is correct and will stand; or
- c. that an adjustment to the original decision is warranted.

If the Appellant remains dissatisfied with the process or the decision, they may

- a. request that an external mediator agreeable to all parties be engaged. Blackfriars generally uses the services of.

ACCESS Programs
45 Wakefield Street
Adelaide SA 5000
Phone: (08) 8210 8102
Free Call: 1300 66 77 00
Fax: (08) 8232 8920
Email: enquiries@accesssa.com.au



b. contact:

Office of the Training Advocate
Ground Floor West
55 Currie Street
Adelaide SA 5000
GPO Box 320
Adelaide SA 5001
Free Call: 1800 006 488
Email: trainingadvocate@sa.gov.au

or Australian Skills Quality Authority (ASQA) via the online complaint form at:
<http://asqa.gov.au/forms.html#complaintforms>

Service or Other Operational Practice Appeal

The process for appeal for any decision related to service provision or operational practice made by Blackfriars is as follows:

- Appellant (person who is appealing the decision) lodges a verbal or written appeal to the Principal within 20 days of the date of the decision;
- Blackfriars documents the details of the appeal attaching the original appeal letter from the Appellant if provided;
- Within five (5) working days of receipt of the appeal a meeting is arranged by Blackfriars, with the Appellant to discuss the Appellant's concerns. The discussion is recorded by the Blackfriars representative and signed off by the Appellant.
- Within five (5) working days of the meeting Blackfriars informs the Appellant of the decision. The decision may be given verbally or in writing, however, a written notification must be provided to the Appellant supporting a verbal advice.

Operational Policy

In relation to operational policy the Principal's decision will be final.

Legislated Policy

In relation to decisions taken for areas for which legislation or regulatory authority standards apply the Appellant may access an external appeal process.

External Facilitator

Where it is felt appropriate Blackfriars may engage the services of an external facilitator to assist the process.

ACCESS Programs
45 Wakefield Street
Adelaide SA 5000
Phone: (08) 8210 8102
Free Call: 1300 66 77 00
Fax: (08) 8232 8920
Email: enquiries@accesssa.com.au



Unsuccessful Appeal Process

If all AIBT avenues of appeal process are not successful the CEO should advise in writing the appellant of their right to seek an external appeals process as follows:

1. Students

Office of the Training Advocate
Ground Floor West
55 Currie Street
Adelaide SA 5000
GPO Box 320
Adelaide SA 5001

Free Call: 1800 006 488
Email: trainingadvocate@sa.gov.au

or Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or Australian Appeals Tribunal <http://www.aat.gov.au/ContactUs.htm>

or legal intervention;

2. Employees

Workplace Ombudsman - 1300 724 200

or Union Representative

or Other appropriate regulatory body

3. Other non-employee stakeholders

Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or Office of Consumer & Business Affairs (08) 8204 9777

or Safe Work SA 1300 365 255 or as may be relevant in the State/Territory

or Australian Appeals Tribunal <http://www.aat.gov.au/ContactUs.htm>

or Legal intervention;

or Other appropriate regulatory body

*** The Principal must be advised of the Appellant's intention to seek external appeal process.



International Students

Where an International Student chooses not to access the Complaint or Appeal process, withdraws from the process, or the process is completed and results in a decision supporting AIBT then AIBT is required to notify the Secretary of DIISRTE via the PRISMS system as soon as is practicable.

- are signed by all parties;
- a copy is filed in line with Privacy Principles;
- Complaint/Appeal Register is to be updated throughout and at the completion of the process;
- Complaint/Appeal Report Form is to be updated and copied to all parties throughout and at the completion of the process.

FRIVOLOUS OR MALICIOUS APPEALS

A 'Frivolous or Malicious Appeal' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

Blackfriars maintains a Zero Tolerance policy in regard to frivolous or malicious appeal.

Appellants found to have made a 'Frivolous or Malicious Appeal' will face disciplinary action and dependent upon the appeal the consequences may include termination of employment or contract or expulsion from further studies.

RESPONSIBILITY

Principal through Blackfriars Staff

It is the responsibility of Blackfriars to ensure that the appeal process is open, fair and accurate at all times; well documented and that the Appellant signs off and is provided with a copy of each stage of the process.

Appellant

It is the responsibility of the Appellant to ensure that they commence the appeal process within the specified period and that their appeal is supported with a genuine argument and/or evidence.

ACCESS

All Blackfriars stakeholders have the right to access the appeal process fairly and equitably.

The Appellant has the right to access their personal.