

1. Policy Scope

This policy applies to students seeking to enrol that are, or would be, entitled to VET Student Loan assistance under clause 43 of Schedule 1A of the Act.

This policy relates to *academic* matters which may include but are not limited to issues such as harassment, vilification, discrimination, financial matters, fines and payments, application procedures, exclusions from events and facilities. It also includes grievances in relation to personal information that is held in relation to the student.

Grievances arise from decisions made by TasTAFE.

2. Policy Purpose

The policy outlines TasTAFE's commitment to ensuring that students and clients feel comfortable and supported in raising issues of a serious nature, having them addressed in a timely manner, and in a way that applies the principles of natural justice and ensures all parties are dealt with fairly and objectively.

This policy provides information relating to grievances and appeals for students and persons who are or would be entitled to VET Student Loan assistance. The grievance and appeals process is at no cost to the complainant, and is applicable regardless of the location of TasTAFE campus at which the grievance or appeal has arisen, the complainant's place of residence or the mode in which they study.

This policy also provides information for staff who may be involved in the grievance process.

Under Schedule 1A of the Higher Education Support Act (HESA), and the VET Guidelines, VET Providers are required to have review procedures in place for reconsidering decisions relating to a person's Commonwealth assistance. The grievance and appeals procedures and forms must be published, publicly available and up-to-date and are available from <https://www.tastafe.tas.edu.au/future/fees-and-payments/vetstudentloans/>.

3. Policy Statement

The purpose of a grievance and appeal policy and the associated processes is to have grievances heard and/or reconsidered by staff within TasTAFE.

TasTAFE will ensure that any complainant will have access to support and advice from Student Services staff and will allow a third party support person to be present at any relevant meeting.

Throughout the grievance procedure TasTAFE will not:

- charge students or prospective students any fees in relation to the grievance processes;
- victimise nor discriminate against any complainant or respondent.

Records relevant to the implementation of this policy will be managed in accordance with the TasTAFE Records Management Policy. Records of all grievances will be kept for a period of 5 years, will remain strictly confidential and will be stored securely. Supervised access to these records will be provided to parties to the grievance.

Access to records and information relevant to the implementation of this policy will be in accordance with the *Privacy Act 1988*, *Freedom of Information Act (1991)* and the *Tasmanian Personal Information Protection Act (2004)*.

Informal Resolution

If a person wishes to lodge a grievance it is recommended the matter is first discussed directly with the respondent. Informal grievance resolution often proves to be quick and effective when a person is encouraged to resolve the matter. Informal resolution may not be appropriate for more serious matters, or if a person wants to proceed directly to a formal process.

Individuals can self-manage the grievance by:

- a) Discussing the grievance directly with the respondent; or
- b) Writing to the respondent to inform them of the grievance and the desired solution; or
- c) Seeking advice from a TasTAFE teacher, Educational Team Leader, Student Counsellor or Student Services staff member. Their initial role is to support you and assist in clarifying your options. Support from a Student Counsellor may include accompanying you to a meeting with the respondent. Where a meeting is arranged, a record of the meeting and any agreement reached will be documented.

Formal Grievance

If a person is still aggrieved at the completion of an informal process they may lodge a formal grievance. A copy of the *VET Student Loan Grievance Form* is available on <https://www.tastafe.tas.edu.au/future/fees-and-payments/vetstudentloans/>.

A formal grievance will be reviewed by a relevant senior manager who will notify the student, in writing, of a decision and the reasons for making the decision, within 30 working days of receiving the formal grievance form.

Appeal Stage

Formal grievance decisions are reviewable decisions. In addition to notifying a student of a decision, TasTAFE will also advise of the right to review if the outcome is unsatisfactory.

To instigate an appeal against a formal decision the student will be advised to complete a *VET Student Loan Grievance Appeal Form* within 30 working days from the day the student receives the original decision.

All reviews will be coordinated by the VET Student Loan Coordinator and conducted by the TasTAFE VET Student Loan Review Panel. The review panel will consist of any combination of a General Manager VET and/or the General Manager Operations, Organisation and Business Development; a Business Centre Manager; and the Manager of Student Services.

Panel members will be chosen where those individuals have not previously have been involved with the grievance.

External Appeal

If after an appeal has been completed there remains no resolution to a grievance a student may approach the Tasmanian Ombudsman for final adjudication. There is no cost in asking the Ombudsman to adjudicate on a grievance with a public authority. To raise a complaint with the Ombudsman telephone 1800 001 170 or visit: http://www.ombudsman.tas.gov.au/making_a_complaint/how_to_make_a_complaint

Once the Ombudsman has reached a decision on a complaint TasTAFE will implement any recommendations within 30 days.

Timelines

The deadlines for each stage of the grievance procedure is as follows:

Activity	Deadline
Formal grievance raised	TasTAFE will respond within 30 days
Appeal against formal grievance	Student must raise an appeal within 30 days of receipt of a formal grievance decision TasTAFE will respond within 30 days
External appeal sought	Student must notify TasTAFE within 5 days of receipt of decision on an appeal that they wish to seek an external appeal. TasTAFE will implement any Ombudsman recommendations within 30 days of the outcome.

Documentation

The address for all grievance documentation is:

Post

VET Student Loan Coordinator, TasTAFE

Level 1, 75 Campbell Street,

Hobart TAS 7000

Or scanned and emailed to

vetstudentloans@tastafe.tas.edu.au

4. Responsibilities

Those involved in resolution of a student grievance will follow the processes set out in the VET Student Loan Grievance Procedure and be guided by the following principles:

- **Confidentiality:** all parties to the grievance and those involved in the resolution process are bound by confidentiality with people only being informed on a need-to-know basis.
- **Natural Justice/Procedural Fairness:** in dealing with grievances, the rules of natural justice will be observed to ensure all parties receive fair, consistent and prompt treatment in order to avoid long standing negative consequences.
- **Timeliness:** grievances should be actioned as quickly as possible with an initial communication back to the Complainant within 5 working days of receiving the grievance. Every endeavour should be made to resolve grievances within a general framework of co-operation that emphasises prevention;
- **Support and advice:** complainants and respondents will have access to Student Counsellors or other support as appropriate.
- **Clear lines of responsibility:** grievances will be handled, as far as possible, within the confines of the relevant program structure with the support of Student Services staff.
- **Written explanations and decisions:** all parties are entitled to these at each stage of the process as they relate to them
- **Focus:** for the resolution is on issues rather than individuals

Students have the responsibility to:

- ensure attendance and/or participation in the learning and assessment process;
- be familiar with the VET Student Loan Academic Grievance Policy and the VET Student Loan Grievance Procedure;
- only make genuine and accurate grievances to reduce the possibility of a defamation suit.

Staff have the responsibility to:

- conduct themselves in accordance with the Tasmanian State Service Principles and Code of Conduct;
- be familiar with all TasTAFE policies and procedures;
- support and effectively implement TasTAFE policies and procedures;
- ensure confidentiality, within the constraints of legal obligations to disclose information;
- ensure as far as possible that there is no victimisation of complainants, witnesses or anyone involved in the grievance resolution process;
- follow the principles of natural justice.

Managers, in addition to the above, have the responsibility to:

- ensure that staff and students are provided with information and training about the VET Student Loan Non-Academic Grievance Policy;
- treat all grievances seriously and investigate as required;
- ensure that feedback mechanisms are available to students;
- ensure that all grievances, where formal grievance resolution is sought, are forwarded immediately to VET Student Loan Coordinator.

5. Legislative/Statutory Requirements

Current legislation and Standards for NVR Registered Training Organisations are provided by the *National Vocational Education and Training Regulator Act 2011* at <http://www.comlaw.gov.au/Details/C2011A00012>. The Australian Skills Quality Authority may impose sanctions on Registered Training Organisations for breaches of registration requirements; for example, suspension or cancellation of RTO registration.

6. Associated Documents

- » VET Student Loan Grievance Procedure
- » TasTAFE Discrimination, Bullying and Harassment (Student) Policy
- » Documentation within the TasTAFE Quality Management System
- » TasTAFE Access and Equity Policy
- » TasTAFE Workplace Health & Safety Policy
- » VET Student Loan Grievance Form
- » VET Student Loan Grievance Appeal Form
- » VET Student Loan Non-Academic Grievance Policy

7. Measure of Policy Effectiveness

At a minimum this policy will be measured for effectiveness by:

- The timely management and resolution of student grievance
- Consistency of practice in management of student grievance

8. Definitions/Acronyms

See Appendix I

Version History

Policy Reviewed Every: <i>(Maximum 12 months from implementation or date of last review)</i>		Next Review Date: 22/12/2017
Version	Date	Changes - section and description
PV FH03 V1.7	08/01/2016	N/A//
V.1	22/12/2016	Revie//wed and changed VET FEE-HELP to VET Student Loan

Appendix I – Definitions

Academic matters

Academic matters may include, but are not limited to, issues such as progress with study within TasTAFE, the curriculum and courses delivered, the process of assessment and assessment tasks, and/or the results and awards given for work.

Appeal

Request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.

Complainant

A student or person seeking to enrol that is, or would be entitled for VET Student Loan assistance, who makes a grievance to TasTAFE

Confidentiality

The process of ensuring that the privacy of the parties involved in a grievance is protected as much as legally possible, to minimise the grounds for possible defamation action and to facilitate a positive grievance resolution process.

Formal Grievance

If a person is still aggrieved at the completion of an informal process they may lodge a formal grievance that will be reviewed by a senior manager within TasTAFE.

Grievance

An expression of an issue, resentment or displeasure about a decision service or product. This will be a cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that a non-academic decision and/or action, or the behaviour of another student or staff member associated with academic matters, is unfair and/or unreasonable.

Informal Resolution

If a person wishes to lodge a grievance it is recommended the matter is first discussed directly with the respondent. Informal grievance resolution often proves to be quick and effective when a person is encouraged to resolve the matter.

Natural justice and procedural fairness

These are terms used interchangeably and, in the context of grievance resolution, mean that people have:

- The right to be heard, that is the right to have a fair hearing and the opportunity to present one's case;
- The right to have a decision made by an objective and unbiased decision maker;
- The right to have a decision based on relevant evidence

Non-academic matters

Non-academic matters may include but are not limited to issues such as harassment, vilification, discrimination, financial matters, fines and payments, application procedures, exclusions from events and facilities. It also includes grievances in relation to personal information that is held in relation to the student.



TasTAFE

VET Student Loan Academic Grievance Policy

Ombudsman

The Tasmanian Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of public authorities and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

Respondent

The respondent is the person against whom the grievance is raised.

Review

When a complainant asks to have a decision heard and reconsidered after receiving an unfavourable decision

TasTAFE VET Student Loan Review Panel

A panel formed to hear VET Student Loan Grievance Appeals. The panel will comprise of the General Manager VET and/or the General Manager Operations, Organisation and Business Development, a Business Centre Manager and the Manager of Student Services provide none of these persons has been previously involved in the matter being appealed.

VET Unit/s of Study

A subject or collection of subjects that a person may undertake with TasTAFE as part of a VET qualification of study.

Victimisation

The act or acts of treating someone unfairly either because they have made a grievance or because they were the subject of a grievance. It does not include appropriate sanctions imposed following proper and fair processes.