

VET FEE-HELP Non-Academic Grievance and Appeals Policy

Policy Information

Policy Name:	VET FEE-HELP Non-Academic Grievance and Appeals
Policy Number:	621
Current Version:	07 – 12/05/2011
Purpose:	This policy provides information relating to Grievances and Appeals for students and persons who are or would be entitled to VET FEE-HELP assistance (HESA – Schedule 1A, Part 1, Subdivision 4D, Clause 19 and VET Provider Guidelines – Chapter 6). The Grievance and Appeals process is at no cost to the complainant, and is applicable regardless of the location of the Southbank Institute of Technology (SBIT) campus at which the Grievance or Appeal has arisen, the complainant's place of residence or the mode in which they study.
Scope:	This policy applies to both students and persons seeking to enrol that are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act. The VET FEE-HELP Non-Academic Grievance and Appeals Policy relates to SBIT activities including behavioural misconduct, non-payment of fees, matters relating to a person's application for study and the management of personal information.
Exceptions:	VET FEE-HELP Academic Grievance and Appeals Policy No. 622
Policy Owner:	Director, Market & Business Development
Policy Author:	FEE-HELP Coordinator, Student Services Management, Rebecca Kulpa
Related policies and legislation:	<ul style="list-style-type: none"> ▪ Higher Education Support Act 2003 (HESA) – Schedule 1A http://fedlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/91FD9474C87B50A0CA256F85000DEF57/\$file/HigherEducationSupport2003WD02.pdf ▪ VET Provider Guidelines http://www.comlaw.gov.au/ComLaw/legislation/legislativeinstrument1.nsf/0/5D499A487D119401CA25745D001125F3/\$file/VETProviderGuidelinesInstrumentcoversheetsignaturepageProv.pdf ▪ VET Provider Handbook http://www.dest.gov.au/NR/rdonlyres/E348ED26-96E3-4FCF-906D-131F9C28B82B/22877/VETProviderHandbookFinalDraftwithnoteJul08.pdf ▪ AQTF Standard 2.6 Complaints and appeals are addressed efficiently and effectively ▪ SBIT Policy No. 622 – VET FEE-HELP Academic Grievance and Appeals
Internal procedures guided by this policy:	<ul style="list-style-type: none"> ▪ SBIT Procedure No. 6009 – Student Complaint ▪ SBIT Procedure No. 1203 – Client Feedback (Have Your Say) ▪ SBIT Procedure No. 6021 – VET FEE-HELP Non-Academic Grievance and Appeals

Policy

The purpose of an internal appeals process is to have unfavourable decisions heard and/or reconsidered by relevant staff within SBIT.

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body. The purpose of an external appeal process is to consider whether SBIT has followed its policies and procedures. The purpose of an external appeals process is not to make a decision in place of SBIT.

1.0 General Information

- Non-Academic grievances may include but are not limited to: behavioural misconduct, non-payment of fees, matters relating to a person's application for study, and the management of personal information.
- VET FEE-HELP Non-Academic Grievances and Appeals should be submitted using the 'VET Non-Academic Grievance and Appeal Form'.
- Complaints about SBIT staff are processed in accordance with SBIT Procedure No. [6009](#) – Student Complaint.
- Complainants' may provide feedback on products and services offered by SBIT in accordance with SBIT Procedure No. [1203](#) – Client Feedback (Have Your Say).
- Appeals regarding Non-Academic Misconduct matters are processed in accordance with the SBIT VET Student Rules.
- The information set out in this document does not replace or modify procedures or any other responsibilities which may arise under other SBIT policies or procedures or under statute or any other law.

2.0 Appeals Information

- A complainant has the opportunity to formally present their case at no cost.
- A complainant will not be victimised or discriminated against at any stage of the process outlined in this policy.
- The Grievance or Appeal must be lodged within 20 working days of the date the decision was communicated to the complainant in writing by the SBIT Mediator. If the appeal is not lodged within the specified timeframe, the decision will stand.
- The Appeals process will be finalised and communicated to the complainant within 20 working days of the formal lodgement of the 'VET Non-Academic Grievance and Appeal Form' and relevant supporting documentation.
- The complainant and/or respondent has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
- The complainant and/or respondent will be provided with a written statement of the outcome of the internal appeals process within 5 working days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
- A complainant's enrolment will be maintained, and the complainant is required to attend all classes during an internal appeals process.
- If a complainant is dissatisfied with the SBIT appeals process, they can contact the Queensland Ombudsman's Office <http://www.ombudsman.qld.gov.au/AboutUs.aspx>
- The Ombudsman will only intervene where SBIT's appeals process was not conducted correctly or if SBIT did not make the appeals process available to the complainant.
- Complainants' who wish to exercise their right to have their case heard by an external body, must notify the Manager, Student Services within 5 working days of receiving written notification of the outcome of the internal appeals process.
- Complainants are required to immediately advise SBIT of the outcome of the external appeals process.
- Records of all Grievances and Appeals must be kept and be accessible to all interested parties for a period of 7 years. Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records.

3.0 Internal Appeals

Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:

- Behavioural misconduct;
- Non-payment of fees;
- Matters related to a person's application to enrol in a VET course of study at SBIT;
- Matters related to privacy principles and the management of personal information.

In the first instance, complaints should be discussed informally with the person/s involved. However, if this is impracticable, complainants should lodge a formal complaint with a SBIT student mediator. A mediator can be contacted via the Student Services Centre Block C1.

This arrangement is free of charge. Every effort will be made to make a decision within 15 working days.

If this does not resolve the complaint, complainants may submit their appeal in writing by completing a 'VET Non-Academic Grievance and Appeal Form' for consideration by the Non-Academic Appeals Panel. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.

Complainants must outline the decision and reasons for the Appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within 20 days of receiving notification or the original decision

Lodging Non-Academic Grievance and Appeal Form:

By mail:

Manager, Student Services
Locked Mail Bag 14
South Brisbane QLD 4101

In person:

Manager, Student Services
Southbank Institute of Technology
Level 5, C Block
66 Ernest Street
South Brisbane QLD 4101

3.1 Outcome of Internal Appeals

The Appeals Panel will review the appeal application and provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken. A complainant, who is not satisfied with the result of the internal appeals process, has the right to pursue the external appeal processes as outlined below.

4.0 External Appeals

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body.

The purpose of an external appeal process is to consider whether SBIT has followed its policies and procedures. The purpose of an external appeals process is not to make a decision in place of SBIT. For example, if a complainant takes their case to the external body (following the internal appeals process) appealing against SBIT's decision to exclude them for behavioural misconduct, the external appeals process would look at the way in which the internal appeal was conducted. The external body would not make a determination as to whether the complainant should be deemed to have engaged in behavioural misconduct.

Complainants may refer their appeal to the Queensland Ombudsman's office. There is no cost for lodging appeals. The Ombudsman will investigate the case, make an assessment and advise the complainant of the outcome. The Ombudsman's Office will also notify SBIT of the outcome of the external appeal.

Further information is available at www.ombudsman.qld.gov.au or by contacting the Queensland Ombudsman's office on:
 Tel: 07 3005 7000
 Toll Free (outside Brisbane): 1800 068 908
 Fax: 07 3005 7067
 TTY: 3006 8174
 Email: ombudsman@ombudsman.qld.gov.au

Lodging Appeals with the Queensland Ombudsman's Office:
 By mail:
 GPO Box 3314
 Brisbane QLD 4001

In person:
 Level 25, 288 Edward Street
 Brisbane QLD 4000

4.1 Outcome of External Appeals

If the Queensland Ombudsman makes recommendations in relation to a Grievance or Appeal they have reviewed, the Ombudsman will forward those recommendations to the CEO & Institute Director of SBIT who will ensure that the recommendations are implemented within 60 days.

Glossary of Terms/Definitions

Terms	Definitions
Appeal	Request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.
Appeals Panel	A panel formed to hear VET FEE-HELP Non-Academic appeals. The panel will comprise the Director Corporate Services and the Manager, Student Services or their delegates provide none of these persons has been previously involved in the matter being appealed.
Compassionate or Compelling Circumstances	Circumstances considered to be beyond the control of the complainant which may include: Serious injury (a medical certificate is provided) Bereavement of close family members (a death certificate may be provided) Major political upheaval or natural disaster in their home country A traumatic experience (ie car accident; witnessing a crime or being involved in a crime etc).
Complainant	A student or person seeking to enrol that is, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act, who makes a complaint to SBIT.
DEEWR	Department of Education Employment and Workplace Relations – previously known as DEST
External Appeal	Appeal heard by a party external to SBIT.
Grievance	A cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that a non-academic decision and/or action, or an administrative decision and/or action, or the behaviour of another person or staff member is unfair and/or unreasonable.
HYS	Has Your Say – Procedure for complainants to provide feedback on the products or services offered by SBIT.
Internal Appeal	Appeal heard by staff within SBIT.
Mediator	A designated member of SBIT staff who will attempt to resolve the complainants' Non-Academic Grievance or Appeal.

Ombudsman	The Queensland Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.
SBIT	Southbank Institute of Technology
VET FEE-HELP	The Commonwealth Government loan scheme to assist eligible students to pay their VET tuition fees, and can cover all or part of the student's tuition fees for VET unit/s of study which form part of a VET course of study. These must be undertaken with a body which is approved as a VET Provider under Schedule 1A of the <i>Higher Education Support Act 2003 (HESA)</i> .

Revision History

Revision Date:	Status: (Draft/Final)	Summary of Changes	Prepared/Approved By:	Revision #:
07/04/2009	Draft	Initial document	FEE-HELP Project Officer	01
11/05/2009	Draft	Changes made according to requirements of DEEWR and in line with procedure	FEE-HELP Project Officer	02
18/05/2009	Final	Policy endorsed by Institute Board	Institute Board	03
03/09/2009	Final	Updates made and approved as a result of RFI on VET FEE-HELP application	FEE-HELP Coordinator	04
11/11/2009	Final	Updates made and approved as a result of RFI2 on VET FEE-HELP application	Chief Executive Officer (delegated officer of the Institute Board)	05
04/03/2010	Final	Minor update made and approved as a result of RFI3 on VET FEE-HELP Application	Chief Executive Officer (delegated officer of the Institute Board)	06
12/05/2011	Final	Reviewed with updates to owner and author position titles. Update to contact for non-academic grievances & appeals. Change to new policy template	FEE-HELP Coordinator	07

Distribution

- All Directors
- All educational staff dealing with VET students or persons seeking to enrol
- All non-educational staff dealing with VET students or persons seeking to enrol
- Students and persons seeking to enrol at SBIT (via the SBIT website)