

POLICY

PPMF | TAFESA | 42

Title

Student Complaint Resolution Policy for Non-academic Matters

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Table of Contents

1	Purpose	2
2	Outcome	2
3	Scope	2
4	Definitions	3
5	Associated Documents	4
6	Policy Details	4
6.1	Policy Mandate	4
7	Authentications and Responsibilities	5
7.1	Students have the responsibility to:	5
7.2	Staff have the responsibility to:	5
7.3	Managers, in addition to the above, have the responsibility to:	5
8	Authentication	5
8.1	Approval of TAFE SA Policy	5
8.2	Review of TAFE SA Policy and Procedure	6
8.3	Publication	6

TAFE SA Policies are issued under the TAFE SA Policy and Procedure Management Framework. They are binding on all TAFE SA employees.

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1 Purpose

The Student Complaint Resolution Policy for Non-academic Matters provides guidelines for students who wish to make an informal or formal complaint about the provision of TAFE SA services, procedures and facilities or the conduct of staff and other students in TAFE SA. This policy relates to *non-academic* matters. It also provides information for staff who may be involved in the complaint resolution process.

2 Outcome

Consistency of practice in managing student complaints.

3 Scope

3.1 This policy applies to all students (including prospective, current and existing students) applying for or undertaking study or training in courses delivered by TAFE SA regardless of the location of the campus at which the grievance arose, the student's place of residence or mode of study. This includes domestic and international students and apprentices and trainees under a contract of training. Students may also seek advice from the Training Advocate about their rights and responsibilities.

TAFE SA staff are reminded that in the implementation of individual TAFE SA Policies and Procedures, consideration should be given to other Policies and Procedures which may be relevant.

The principles of Access & Equity and Occupational Health, Welfare & Safety will be applied in the implementation of this policy as appropriate.

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

Access to records and information relevant to the implementation of this policy will be in accordance with the *Freedom of Information Act* (1991) and the South Australian Information Privacy Principles Instruction (PC012 1989, 1992, 2009).

TAFE SA will not charge students or prospective students any fees in relation to their accessing the grievance processes.

3.2 This policy applies to all TAFE SA *non-academic* related complaints, except:

3.2.1 Where a complaint falls within the scope of the Whistleblowers Protection Act, those processes will take precedence over this policy.

3.2.2 Complaints about child abuse will be handled in accordance with the Department of Further Education, Employment, Science and Technology's (DFEEST) Child Protection Policy.

- 3.2.3 In certain circumstances, legislation provides for a separate complaint procedure (eg Equal Opportunity Act, Disability Discrimination Act). Students retain their right to initiate a complaint with external agencies at any point during the TAFE SA complaint resolution process. At this time, the TAFE SA process may be suspended pending the outcome of that process.
- 3.2.4 If criminal action is commenced, all TAFE SA complaint resolution processes may cease until the outcome of those proceedings is known.
- 3.2.5 For complaints relating to academic matters, students should refer to the TAFE SA Policy for Academic Grievances and the TAFE SA Assessment Policy and Procedures.
- 3.2.6 For complaints relating to refunds, students should refer to the relevant policy below:
- Student Fees Policy Semester 2 2012
 - TAFE SA Refunds and Re-credits for VET FEE-HELP Approved Courses Policy and Procedures
 - TAFE SA Refunds and Re-credits for FEE-HELP Approved Courses Policy and Procedures

3.3 The privacy of all parties involved in the TAFE SA complaint resolution process will be protected, subject to necessary legal requirements to disclose information.

4 Definitions

Complaint	An expression of a grievance, resentment or displeasure about a decision service or product.
Confidentiality	The process of ensuring that the privacy of the parties involved in a complaint is protected as much as legally possible, to minimise the grounds for possible defamation action and to facilitate a positive complaint resolution process.
Defamation	The publication or making of false statements about another, which damage that person's reputation. The defamatory statements must be untrue and also intended to be taken seriously. Its effect must be damaging to the reputation of the person claiming to be defamed. A defamatory statement may be either verbal or written.
Mediator	A person who assists disputants (at their request) in an attempt to reconcile their dispute. The mediator remains neutral and makes no assessment of the facts or rights of a case.
Natural Justice	The duty to act fairly and includes two rules: <ul style="list-style-type: none"> • The fair hearing rule – meaning that all parties must be given the opportunity to present their case and be fully informed about allegations and decisions made and

	<ul style="list-style-type: none"> No bias rule – meaning that a decision maker must have no personal interest in the matter.
Non-academic matters	Non-academic matters include those matters which do not relate to student progress, assessment course content or awards in a course and include complaints in relation to personal information that TAFE SA holds in relation to a student.
Victimisation	The act or acts of treating someone unfairly either because they have made a complaint or because they were the subject of a complaint. It does not include appropriate sanctions imposed following proper and fair processes.

5 Associated Documents

Regulations	Education Services for Overseas Students Regulations, 2001
National Code of Practice	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007)
Commonwealth Act	Migration Act 1958
PPMF TAFESA 31	Student Complaint Resolution Procedure for Non-academic Matters
PPMF TAFESA 57	TAFE SA Assessment Policy

6 Policy Details

TAFE SA is committed to implementing effective and transparent student complaint resolution policy and procedures that, where possible, are managed quickly, at the local level and involving necessary parties. The resolution process will be available to students, staff and others in the community. It focuses on a rapid re-establishment of good working relationships and positive outcomes.

In order to maintain and further improve its high quality performance, TAFE SA welcomes students' suggestions and feedback. Opportunities available include subject/course evaluation sheets, student forums, student networks, student representation on Committees, suggestion opportunities and class discussions.

6.1 Policy Mandate

This policy is issued in accordance with:

- sections 31 and 32 of the Public Sector Act 2009.
- Technical and Further Education Act 1975
- Technical and Further Education Regulations 1999
- Training and Skills Development Act, 2008
- Australian Quality Training Framework (AQTF) Standards
- Education Services for Overseas Students Act, 2000
- Higher Education Support Act 2003 and associated Guidelines
- Tertiary Education Quality and Standards Agency Act 2011

7 Authentications and Responsibilities

All parties to a complaint resolution process should ensure that they limit their discussions to details of the complaint and that they act within their role in using the Student Complaint Resolution Policy for Non-academic Matters. All parties are therefore cautioned to maintain confidentiality.

7.1 Students have the responsibility to:

- conduct themselves in accordance with the behavioural responsibilities listed in the TAFE SA Student Conduct Policy and the Student Code of Behaviour,
- be familiar with the Student Complaint Resolution Policy for Non-academic Matters,
- only make genuine and accurate complaints to reduce the possibility of a defamation suit.

7.2 Staff have the responsibility to:

- conduct themselves in accordance with the *Code of Ethics for the South Australian Public Sector*,
- be familiar with all TAFE SA policies and guidelines,
- support and effectively implement TAFE SA policies and guidelines,
- 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 complaint resolution process,
- follow the principles of natural justice.

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

- ensure that staff and students are provided with information and training about the Student Complaint Resolution Policy for Non-academic Matters,
- treat all complaints seriously and investigate as required,
- ensure that feedback mechanisms are available to students,
- ensure that all complaints, where formal complaint resolution is sought, are forwarded immediately to the Executive Director, Education.

8 Authentication

8.1 Approval of TAFE SA Policy

The Chief Executive, TAFE SA approves TAFE SA Policy.

TAFE SA policies will be recommended by the TAFE SA Policy Framework Steering Committee and endorsed by TAFE SA Executive prior to approval.

8.2 Review of TAFE SA Policy and Procedure

This Policy will be reviewed by the TAFE SA Policy Framework Steering Committee every two years, but may be actioned earlier by the Policy Framework Steering Committee according to feedback received and/or contextual changes.

8.3 Publication

This policy will be made publicly available on the TAFE SA website in an online accessible and printable format, in the section About Us \ Policies and Responsibilities. Amendments will be incorporated within two working days.