

Policy Title:	Complaints and Appeals Policy
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Approved By:	Shane Mackintosh
Related Documents:	•

1. OBJECTIVE

The Complaints and Appeals Policy of Mackintosh College is intended to provide a means by which anyone can lodge a complaint, or any person adversely affected by a decision made by the college, can have their grievances heard by the Appeals Committee in a formal manner. It is strongly suggested that any person with a grievance attempt to rectify the situation.

2. COMPLAINTS POLICY

- a. An individual should always in the first instance try to informally resolve a grievance. Should this not work, a formal complaint should be raised with Mackintosh College.
- b. An individual may withdraw a complaint at any point during the process.
- c. The college will maintain a register of complaints and details relating to the complaint, including the outcome. These complaints will be reviewed regularly by the management of the college to identify areas for continuous improvement.
- d. The process for making a formal complaint is to provide in writing the following to the Education Manager:
 - a. Details of the complaint, including the date and people involved.
 - b. An explanation of steps that have already been taken to attempt to informally resolve this matter.
 - c. Supporting information that should be considered when the complaint is reviewed.
 - d. The expected outcome from the individual lodging the complaint.
 - e. Address the complaint to the Education Manager.
- e. All complaints will be reviewed by the Education Manager within ten (10) days of receiving the written complaint.
- f. In reviewing a complaint, the Education Manager may invite the complainant for a formal meeting to allow the complaint to be presented in full and to allow questions to be asked relating to the complaint.
- g. The Education Manager will investigate each complaint and meet with the necessary people to gain the accurate facts.
- h. Where needed, the Education Manager may raise a complaint with the Chief Executive Officer for further review and discussion.
- i. Where the Education Manager finds a complaint to be justified, they will inform the necessary staff and ensure the required actions are implemented and closed out.
- j. Should a complaint not be upheld, the complainant will be issued with a written explanation outlining the reasons for the decision.
- k. A student's enrolment will be maintained while a complaint is being reviewed.

3. APPEALS POLICY

1. Any person adversely affected by a decision referred to within this policy may, within three (3) months from the receipt of a decision, apply to the Chief Executive Officer to have the decision reviewed by the Appeals Committee. An appeal must be in writing and include all the relevant information or grounds upon which the person seeks to appeal a decision.
2. The decisions which may be reviewed by the Appeals Committee are:
 - a. Decisions in relation to assessment of students.
 - b. Decisions in relation to students regarding academic progress, recognition of training, discipline and dismissal.
 - c. Acceptance or non-acceptance as a student into the college.
 - d. Decisions in relation to the financial status of students.
3. The applicant bears the responsibility and onus of providing proof to establish grounds of the appeal.
4. Prior to an Appeals Committee hearing being held, the Chief Executive Officer will review each appeal matter to check if all other avenues of resolution have been exhausted. The applicant is entitled to request the appeals processes without this part taking place.
5. At least 21 days prior to any Appeal Committee meeting, the Chief Executive Officer will advise the applicant of:
 - a. The right of an applicant to attend a hearing.
 - b. The date, time and location of the hearing.
 - c. The right of the applicant to appear before the Appeals Committee and be accompanied by another person who may act in an advisory role only.
 - d. That an applicant wishing to have legal representation or an advocate must write to the Chief Executive Officer fourteen (14) days prior to their hearing explaining the exceptional circumstances as to why this request should be granted. Any decision made by the Chief Executive Officer in this regard is final.
 - e. An estimate of the costs of the appeal which may be incurred by the applicant.
 - f. That, at the request of the Chief Executive Officer, a solicitor may attend the hearing for the purpose of giving legal advice to the Appeals Committee. A solicitor will be chosen that has no other involvement in the college's business.
6. The Appeals Committee is to hear an appeal matter within two (2) months of it being received by the Chief Executive Officer.
7. Upon considering all of the information presented in an appeal matter, the Appeals Committee may:
 - a. Confirm the original decision that was made in relation to the matter.
 - b. Revoke the original decision due to an error in law or the processes followed to determine the original decision.
8. The Appeals Committee must act according to the rules of natural justice and decide each appeal on its merits. The Appeals Committee is not bound by the rules of evidence and subject to the rules of natural justice, may inform itself on any matter and in such manner as it thinks fit.
9. The Appeals Committee is entitled to consider all relevant information which it thinks fit and may invite any person to appear and provide further information.
10. Except where otherwise required by law, meeting minutes of the Appeals Committee and other information provided during a hearing shall be kept confidential. With written permission from the applicant, this information may be released to other persons or entities.
11. The Chief Executive Officer may delegate their powers and duties in respect to this policy to such persons as they determine.

4. RESPONSIBILITY

4.1. Education Manager

- a. Receive a complaint and log it within the Complaints Register.
- b. Investigate each complaint and meet with the necessary people to make an informed decision.

4.2. Appeals Committee

- a. The committee is to be made up of:
 - i. The Chief Executive Officer
 - ii. Education Manager
 - iii. Training Coordinator
 - iv. Education Administration Officer
- b. Based on the evidence provided the committee will put forward a recommendation to the CEO with respect to a course of action to be taken.

4.3. Chief Executive Officer

- a. Review any complaints raised by the Education Manager.
- b. The CEO will make a decision regarding an appeal, with consideration of the committees recommendation, and can make one of the following resolutions
 - i. Request more evidence be provided
 - ii. Find in favour of the appellant and reverse the previous decision
 - iii. Decide the appellant has no case for appeal