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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 (the Act – Schedule 1A, Part 1, Subdivision 4D, Clause 19 and Higher Education Support (VET) Guidelines 2015 - Part 5.3 (henceforth to be referred to as VET Guidelines). The Grievance and Appeals process is at no cost to the complainant, and is applicable across TAFE Queensland East Coast regardless of the location at which the Grievance or Appeal has arisen, the complainant’s place of residence or the mode in which they study. The purpose of an external appeals process is not to make a decision in place of TAFE Queensland East Coast, but to determine whether the decision made was fair under the circumstances. In accordance with clause 5.3.3(a) of the Higher Education Support (VET) Guidelines 2015, TAFE Queensland East Coast must give due consideration to any recommendations made as a result of the external review.

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 Act. The VET FEE-HELP Academic Grievance and Appeals Policy relates to TAFE Queensland East Coast’s activities including academic misconduct, enrolment determinations, student progress, assessment, awards and learning materials and include complaints in relation to the student’s academic records. This policy does not replace or modify procedures or any other responsibilities which may arise under other TAFE Queensland East Coast policies or procedures.

Policy

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

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 appeals process is to review the decision made by TAFE Queensland East Coast to determine the fairness of the decision. TAFE Queensland East Coast will give due consideration to any recommendation made as a result of the external review.

General Information

- Academic grievances may include but are not limited to: enrolment outcomes, poor teaching, administrative errors, course delivery and assessment, grades, issuing of awards, graduation, teaching facilities and learning resources.
- VET FEE-HELP Academic Grievances and Appeals should be submitted using TAFE Queensland East Coast's ‘VET Academic Grievance and Appeal Form’.
- Complaints about TAFE Queensland East Coast staff are processed in accordance with our ‘Complaints and Feedback and BIR Process’.
- Complainants may provide feedback on products and services offered by TAFE Queensland East Coast in accordance with our ‘Feedback Form’.
- Appeals regarding Academic Misconduct matters are processed in accordance with the TAFE Queensland Student Rules as published on TAFE Queensland East Coast's website.
- VET FEE-HELP grievance and appeals requirements will be maintained in accordance with the VET Guidelines.

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 10 business days of the date the decision was communicated to the complainant in writing by the Head of School. 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 business days of the formal lodgement of the ‘VET 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 TAFE Queensland East Coast’s appeals process, they can contact the Queensland Ombudsman’s Office www.ombudsman.qld.gov.au
• The Ombudsman will only intervene where TAFE Queensland East Coast’s appeals process was not conducted correctly or if TAFE Queensland East Coast 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 General Manager - TAFE Queensland East Coast within 5 business days of receiving written notification of the outcome of the internal appeals process.
• Complainants are required to immediately advise TAFE Queensland East Coast 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 5 years.
• Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records as per requirements in VET Guidelines 5.3.2 (i).

Internal Appeals
Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:
  • Academic misconduct
  • Academic progress
  • Eligibility to receive an award
  • Learning materials and facilities
  • Assessment and grades

In the first instance, complaints should be discussed informally with the person/s involved, usually their teacher. However, if this is impracticable, complainants lodge a formal complaint with the relevant Head of School.

This arrangement is free of charge. A decision will be made within 15 business days and communicated to the complainant in writing within 5 business days of the decision.

If this does not resolve the complaint, complainants may submit their appeal in writing by completing a 'VET FEE-HELP Grievance and Appeal Form' for consideration by the 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 10 business days of receiving notification of the original decision.

Lodging Grievance and Appeal Forms:

**By mail:**
The General Manager
TAFE Queensland East Coast
PO Box 5252 SCMC Nambour,
QLD, 4560

**In person:**
Customer Service Centre
TAFE Queensland East Coast

**Locations:**
Bundaberg – 118 Walker Street, Bundaberg
Maryborough – 89 Adelaide Street, Maryborough
Hervey Bay – 47-95 Urraween Road Pialba
Gympie – 71 Cartwright Road, Gympie
Nambour – 91 Windsor Road, Nambour
Maroochydore – 170 Horton Parade, Maroochydore
Mooloolaba - 34 Lady Musgrave Drive, Mountain Creek

Outcome of Internal Appeals
The Appeals Panel will review the application within 15 business days of receipt of the appeal. The Panel will provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken within 5 business days of the decision being made. 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.
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 appeals process is to review the decision made by TAFE Queensland East Coast to determine the fairness of the decision. TAFE Queensland East Coast will give due consideration to any recommendation made as a result of the external review.

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 the General Manager - TAFE Queensland East Coast 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:

<table>
<thead>
<tr>
<th>Phone:</th>
<th>(07) 3005 7000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toll Free (outside Brisbane)</td>
<td>1800 068 908</td>
</tr>
<tr>
<td>Fax:</td>
<td>(07) 3005 7067</td>
</tr>
<tr>
<td>TTY:</td>
<td>3006 8174</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:ombudsman@ombudsman.qld.gov.au">ombudsman@ombudsman.qld.gov.au</a></td>
</tr>
</tbody>
</table>

Lodging Appeals with the Queensland Ombudsman’s Office:

**By mail:**
GPO Box 3314
Brisbane, QLD, 4001

**In person:**
Level 18, 53 Albert Street
Brisbane, QLD, 4000

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 General Manager - TAFE Queensland East Coast who will ensure that the recommendations are implemented within 30 days.

Distribution and communication of policy

- TAFE Queensland East Coast will communicate this policy and associated procedure to all relevant staff through staff email broadcasts and is available via TAFE Queensland East Coast’s intranet homepage – Document Management System. The VET FEE-HELP Coordinator will provide full training to relevant staff in the application of this procedure.
- Distribution of all associated policies, procedures and forms to all staff, students and other interested parties will be via TAFE Queensland East Coast website and Student Self Service.
Glossary

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Misconduct</td>
<td>Academic misconduct includes but is not limited to cheating, including supporting others in cheating, plagiarism, electronic plagiarism, unauthorised collusion and falsifying information.</td>
</tr>
<tr>
<td>Appeal</td>
<td>Request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.</td>
</tr>
<tr>
<td>Appeals Panel</td>
<td>A panel formed to hear VET FEE-HELP academic appeals. This panel will comprise the relevant Centre Director / Educational Manager and Manager, Customer Experience.</td>
</tr>
<tr>
<td>Compassionate or Compelling Circumstances</td>
<td>Circumstances considered to be beyond the control of the complainant and may include:</td>
</tr>
<tr>
<td></td>
<td>o Serious injury (a medical certificate is provided)</td>
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<td></td>
<td>o Bereavement of close family members (a death certificate may be provided)</td>
</tr>
<tr>
<td></td>
<td>o Major political upheaval or natural disaster in their home country</td>
</tr>
<tr>
<td></td>
<td>o A traumatic experience (i.e. car accident; witnessing a crime or being involved in a crime etc.)</td>
</tr>
<tr>
<td>Complainant</td>
<td>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 TAFE Queensland East Coast.</td>
</tr>
<tr>
<td>DIISRTE</td>
<td>Department of Industry, Innovation, Science, Research and Tertiary Education</td>
</tr>
<tr>
<td>External Appeal</td>
<td>Appeal heard by a party external to TAFE Queensland East Coast.</td>
</tr>
<tr>
<td>Grievance</td>
<td>A cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that an academic decision and/or action, an administrative decision and/or action, or the behaviour of another student or staff member is unfair and/or unreasonable.</td>
</tr>
<tr>
<td>Feedback System</td>
<td>System for complainants to provide feedback on the products or services offered by TAFE Queensland East Coast.</td>
</tr>
<tr>
<td>Internal Appeal</td>
<td>Appeal heard by nominated staff within TAFE Queensland East Coast.</td>
</tr>
<tr>
<td>Ombudsman</td>
<td>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.</td>
</tr>
<tr>
<td>The Act</td>
<td>Refers to the current Higher Education Support Act (HESA)</td>
</tr>
<tr>
<td>VET FEE-HELP</td>
<td>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 Act.</td>
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</table>

Related Documents

- VET FEE-HELP Non Academic Grievance and Appeals Policy
- VET FEE-HELP Academic Grievance and Appeals Procedure
- Have Your Say and BIR Process
- Have Your Say Form

References

Commonwealth legislation (www.comlaw.gov.au)
  - Higher Education Support Act 2003 [Clause 43 of Schedule 1A]
  - Standards for NVR Registered Training Organisations 2011 [Part 3, SNR 16]

Other (http://www.innovation.gov.au)
  - VET Provider Applicant Handbook

Enquiries

Enquiries in respect of this policy should be directed to the Manager, Student Services and Support.