



Australian Nursing and
Midwifery Education Centre

Complaints Procedure

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Purpose and Scope

The purpose of these procedures is to establish a process which facilitates a safe and fair learning environment for all students of the ANMEC. The procedures outline the steps that staff and students of ANMEC must take to resolve student complaints.

Students may lodge a complaint under the procedures provided that the event resulting in complaint occurred while they were enrolled and the event is no older than twelve months.

Where the complaint is about a separate entity that is aligned to ANMEC, the complaint must be dealt with in the first instance through their systems first.

A complaint is any type of problem, concern or grievance that affects studies and student life at ANMEC, which concerns ANMEC and relates to the operations of the ANMEC and where they have had an adverse experience which is not addressed in another rule, policy or procedure of ANMEC. This may include but is not limited to bullying, discrimination, harassment, sexual harassment, victimisation or vilification.

If the complaint is about a person, students may make a complaint relating to but not limited to:

- Other students
- Academic or administrative staff
- people external to the ANMEC with whom students interact as:
- guest lecturers or presenters
- staff in host facilities whilst student is on clinical placements.

Reviews of academic decisions

Reviews of academic decisions related to assessment or other academic decisions for candidates should be lodged through this process in the first instance.

The following principles will guide these procedures

- any complaint should be made within a reasonable time of the event which is giving rise to the complaint and no later than twelve months after the event
- where the complaint relates to an assessment or formal decision, it must be lodged within 14 days of receipt of the assessment or notification of a decision.
- student complaints will be handled with regard for procedural fairness, confidentiality and privacy, including the use and storage of any information and records related to the complaint
- student complaints will be handled quickly and as close as possible to the source;
- where possible the complaint will be resolved by a process of discussion, cooperation and mediation
- all parties involved will participate in the complaint resolution in good faith.

Procedure

This procedure sets out the four stages for dealing with a complaint. It is essential that a complainant, or any person affected by a complaint, refer to the Complaints Policy for further detail and advice on their rights and obligations in this process.

Stage 1 - Informal complaint

Many problems can be resolved informally, either by a direct approach to the person or group whose actions have given rise to the complaint, or indirectly by other means.

A direct approach may be made face to face or by phone, but can also be by email or in writing. Direct, open, and cooperative dialogue can often lead to a better understanding of the problem, and a quick and satisfactory resolution. The complainant should keep notes of the actions that he/she takes, and be aware that the principles of confidentiality apply to him/her, as well as the other participant.

If a complainant is not comfortable making a direct approach, an informal complaint may be made indirectly, through the following means:

- Staff or students may approach a staff member. The staff member will provide advice and assistance to the complainant to enable them to resolve the complaint.
- Students also have the option to approach the Education Coordinator.
- People who are not staff or students of ANMEC can approach reception who will forward to appropriate person to make an informal (or formal) complaint, if the situation has arisen in the course of their dealings with ANMEC.

The staff receiving an informal complaint will take reasonable and prompt action to assist the complainant to resolve the complaint. If resolution cannot be achieved, the complainant will be provided with information on the alternative complaint resolution methods available, and will be referred to the policy.

All complaints (whether informal or formal) must be logged on the complaints register: S:\RTO\Management\IncidentsComplaints\complaints.

Stage 2 - Formal complaint

If an informal complaint has not been resolved at the informal stage, or is otherwise of a more serious nature, then a formal complaint should be made. The Education Coordinator is authorised to consider, investigate and resolve formal complaints.

A formal complaint must be submitted by the complainant, in writing, setting out the details of the complaint, including the background, the grounds of the complaint, the facts relied upon (the evidence), and the redress sought, together with all supporting documentation. All the information in support of the complaint should be provided at the beginning of the process.

On receipt of a formal complaint, ANMEC will:

1. register and acknowledge receipt of the complaint to the complainant within 3 working days;
2. clarify the complainant's issues, consulting with the complainant and other parties where necessary;
3. consider whether the complaint requires or warrants referral due to its nature and subject, such as:
4. is subject to mandatory reporting to an external agency, for example where a complaint concerns potentially criminal acts; corruption; sexual misconduct; or violence which involves children.
5. consider whether the complaint requires or warrants consultation with other offices on matters raising questions of procedural fairness, or the lawfulness or validity of administrative actions,
6. consider whether the complaint constitutes a protected disclosure;
7. assess the most suitable method for dealing with the complaint, for example whether the complaint is best resolved either by discussion/negotiation, by mediation, or investigation;
8. where investigation is appropriate, either investigate the complaint directly, or assign the investigation to an investigation officer or investigation panel;
9. ensure that steps are taken within 10 working days to begin resolution of the complaint, and inform the complainant and the respondent about the process and the timetable for resolution;
10. when it is not possible to resolve the complaint within the stated timeframe advise the complainant and the respondent on progress every 10 working days;
11. inform the complainant and the respondent of the outcome and the action taken to resolve the complaint;
12. generally, oversee and/or manage the resolution of the complaint and refer to the Manager, Education and Industrial Services or CEO as necessary;
13. Mediation may be requested by either the complainant(s) or the respondent(s), or recommended by the Manager, Education and Industrial Services or CEO as necessary.

Investigation

Investigations will generally be conducted by the Education Coordinator. However, where a matter is deemed to require a more substantial investigation, the Education Coordinator in consultation with the CEO/delegate may refer the complaint.

ANMEC, will:

1. receive the complaint;
2. investigate the complaint within 10 working days of being convened;
3. examine any other relevant documentation or speak to any person, including the complainant and the respondent, if necessary. (People may bring a support person to interviews with the Investigative Panel or Investigative Officer); and
4. make a recommendation to CEO/delegate, that the complaint has:

- a. been substantiated, and that further action is required, and recommend what that further action might be; or
 - b. not been substantiated, and that no further action should be taken.
5. The CEO/delegate, will:
 - a. receive and consider the recommendations
 - b. advise the complainant of the action(s) proposed; and
 - c. provide a report when the action has been completed.

Stage 3 – Appeals Process

If a complainant or respondent believes that a formal complaint has not been resolved within a reasonable timeframe, or if the processes used to resolve the complaint have been defective, a request for a review of the procedures can be lodged with the CEO/delegate.

Stage 4 - Referral to outside agencies

Any person, at any time, may make a complaint to an external agency, such as the SA training advocate office.

Similarly, a complainant who is not satisfied with the management of their complaint may choose to pursue the matter with the SA training advocate office. The SA training advocate office will generally only act if all of the internal stages of the complaint process have been exhausted.

A complainant may otherwise choose to pursue the matter through other external agencies. Where the complainant refers a complaint to an outside agency, ANMEC may cease dealing with the complaint while the external process is under way.

Withdrawal of Complaint

At any stage of the informal or formal process, the complainant may decide to withdraw the complaint. Where the formal process is underway any withdrawal must be in writing. In most instances the ANMEC will then deem the complaint resolved. However, in certain circumstances the ANMEC may deem the complaint serious enough for an internal investigation to continue or for referral to an external agency.

Recordkeeping

Notes must be kept at all stages of the resolution of a complaint including records of meetings, discussions and actions proposed or taken. All records or notes produced in dealing with the resolution of a complaint under the formal process must be stored on a confidential ANMEC file. The file must be registered appropriately and stored securely under the responsibility of the SCAO.

The SCAO will be responsible for recording and tracking all formal complaints on a central complaints database.

Whilst all complaints will be treated as confidential, record keeping of events will be maintained.

All complaints (whether informal or formal) must be logged on the complaints register:

S:\RTO\Management\IncidentsComplaints\complaints

Victimisation

Any staff member or student who victimises a person in relation to a complaint will be subject to misconduct proceedings under appropriate ANMEC policies and procedures. Any party involved in a complaint fearing or experiencing victimisation should immediately discuss the matter with the Manager, Education and Industrial Services, CEO or the Training Advocate.

External Complaint

The complainant may, at any stage, refer their complaint to an external agency. Where this occurs the ANMEC may cease any internal process.

Where the ANMEC is aware that a complaint has been lodged externally, the complaint will be recorded by the Education Coordinator or delegate on the complaints register:

S:\RTO\Management\IncidentsComplaints\complaints

External agencies include:

- Training Advocate
- Anti-Discrimination Board
- Australian Human Rights Commission
- Independent Commission against Corruption
- SA Ombudsman
- SA Police

Appeals

An appeal may only be lodged on the grounds of lack of procedural fairness in the investigating process.

Appeals are to be in writing to the Education Coordinator within 15 working days of the date of notification of outcome and must state the grounds for appeal. On receipt of the appeal the Education Coordinator will convene a meeting to hear the appeal.

An appeal may be lodged by the complainant or the respondent. Members of a Complaints Appeals meeting can include:

- A student representative
- The complainant
- Education Team staff
- ANMEC Admin staff
- Manager, Educational and Industrial Services
- CEO

Any conflicts of interest or potential conflict of interest are to be registered with the Education Coordinator before the meeting occurs.

Where possible, at least one member of a Committee shall be of the same sex as the complainant. More than one meeting may be required, if the circumstances so require.

Appeals process

A Complaints Appeals meeting will be convened as soon as is practical but within 21 working days of the lodgement of appeal. All parties will be informed in writing of the meeting.

1. The meeting members:
 - a. shall sit in camera;
 - b. may appoint one or more appropriately qualified persons to assist it on any matters of law, procedure or technical expertise;
 - c. shall record the evidence given before it;
 - d. shall record the reasons for its determination and for any penalty that it imposes, including its findings upon any material issue of fact.
2. All parties may:
 - a. Choose to attend the hearing to state their case, either alone or accompanied by a friend or adviser with whom they may consult. If accompanied by a friend or adviser, the parties must give notice to this effect to the Education Coordinator at least 24 hours before the meeting is scheduled
 - b. If attending the meeting, the parties may, if they so wish, be represented at their own expense by an advocate (whether legally qualified or not), provided that they have given notice to this effect to the Education Coordinator at least 8 days before the meeting; or
 - c. Choose not to attend the meeting.

- d. Where this occurs the matter will be heard in the absence of any party and any written statements lodged may be taken into consideration.
3. Only material relevant to the grounds of the appeal may be presented.
4. In determining the outcome of the appeal the meeting members may:
 - a. dismiss the appeal on the grounds that the information provided does not meet the grounds for appeal stated under the procedures; or
 - b. allow the appeal and make a fresh determination based on the evidence presented.

Notification of result

ANMEC will, within 10 working days of the meeting, notify all parties in writing of the outcome of the appeal including reasons.

At this stage, all avenues of appeal within the ANMEC will have been exhausted. A complainant dissatisfied with the outcome of a complaint will be advised of their right to external appeals avenues via training advocate.

Recordkeeping

All minutes and relevant papers of the Complaints Appeals meeting must be stored as a locked document on the ANMEC file:

S:\RTO\Management\IncidentsComplaints\complaints

And in the student file.

Review and History

These Procedures are due for review three years from the date of effect.

Last stage for Complaints must be:

The Training Advocate (1800 006 488) or:

ASQA Regulator: <http://www.asqa.gov.au/>