

# NON-ACADEMIC GRIEVANCE POLICY AND PROCEDURE

## 1. PURPOSE

- 1.1 The purpose of the The Makeup Technicians Non-Academic Grievance Policy and Procedure is to deal effectively, equitably and efficiently with complaints to The Makeup Technicians and its staff from VET students and from people applying to study VET courses at The Makeup Technicians. This policy and procedure is published on the The Makeup Technicians website and in the Student Handbook.

## 2. SCOPE

- 2.1 This policy and procedure covers non-academic grievances and applies to students and potential students of The Makeup Technicians as defined above.
- 2.2 In relation to students, this policy and procedure does not cover grievances with respect to
- 2.2.1 academic matters; or
- 2.2.2 decisions by The Makeup Technicians regarding remitting of the student contribution amount, the re-crediting of the VET Student Loan balance or the removal of VET Student Loan debts which are handled under separate policy and procedure set out in the Student Handbook and published on the The Makeup Technicians website <[www.makeup-technicians.com](http://www.makeup-technicians.com)>. Note: a student has five (5) years after the period in which they undertook the unit to submit an application for re-credit of their VET Student Loan balance.
- 2.3 This policy and procedure does not seek to limit or prevent the right of any person to seek the assistance of an independent person or relevant external agency for the resolution of a grievance.
- 2.4 Should a grievance be referred to an outside body, the internal processes of The Makeup Technicians may be suspended pending the outcome of the external review.

## 3. DEFINITIONS

- 3.1 **Non-Academic Grievance** refers to a complaint regarding a decision, action or process within The Makeup Technicians regarding non-academic matters.
- 3.2 **Student** means any student enrolled in an accredited VET course of study at The Makeup Technicians.
- 3.3 **Potential student or applicant** is a person applying to enrol in an accredited VET course of study at The Makeup Technicians.
- 3.4 **Complainant** is the student(s) or staff member(s) making the complaint.
- 3.5 **Respondent** is the individual(s) against whom the complaint is made.
- 3.6 **Confidentiality** means limiting disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance (i.e. to only those with a need to know).
- 3.7 **Procedural fairness** means the right to a fair hearing. It involves:
- the opportunity for all parties to be heard, including for those who have had a complaint made against them to be aware of the allegations against them and to respond;
  - ensuring all parties are informed of the procedures under which the grievance is being handled and are given a copy of the relevant policy and procedure document;
  - ensuring there is a proper investigation of the facts and that all relevant submissions and any mitigating factors are taken into account
  - ensuring that the investigation is concluded promptly
  - the right to have any material considered by an unbiased, impartial decision-maker
  - advising all parties that if the grievance is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance may be used in any subsequent disciplinary proceedings
- 3.8 VET means Vocational Education and Training, as regulated by the Australian Skills Quality Authority (ASQA).

## POLICY

### 4. BASIS FOR GRIEVANCE HANDLING

- 4.1 Grievances should be treated seriously, expeditiously and sensitively having due regard to procedural fairness, confidentiality and privacy. It is essential that confidentiality be observed at all stages in the handling of a grievance. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- 4.2 Wherever possible, grievances should be handled as close as possible to their source. This may be influenced by the nature of the grievance and the complainant's wishes.
- 4.3 Students should raise concerns as early as possible after the relevant incident has occurred.
- 4.4 The complainant is responsible for making clear the nature and grounds of the grievance and, where applicable, providing evidence to support his or her claims.
- 4.5 Wherever possible, grievances should be resolved by a process of discussion, co-operation and conciliation, with the aim of reaching an acceptable outcome that minimises any potential detriment to ongoing study relationships.
- 4.6 Both the complainant and the respondent will receive appropriate information, support and assistance in resolving the grievance. The complainant and/or respondent have the right to be accompanied or assisted by a third person if so desired.
- 4.7 Students or potential students should not instigate grievances that are frivolous or malicious. If the grievance is found to have been malicious on the part of the complainant, THE MAKEUP TECHNICIANS may take appropriate disciplinary action. Those involved with a grievance are expected to participate in the grievance handling process in good faith and to tell the truth.
- 4.8 At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.
- 4.9 All stages of this grievance procedure concerning the hearing and settlement of grievances shall be free of charge to the student and staff member.
- 4.10 The complainant, respondent or anyone associated with a grievance (e.g. as a witness or support person) will not be victimised or discriminated against in any of the three stages set out in this policy. The Makeup Technicians will take disciplinary action should it be found that the complainant, the respondent or any other person associated with the grievance, has been subject to reprisal, disadvantage or discrimination as a result of their connection with the grievance.
- 4.11 Those involved in the grievance process must act reasonably and in good faith and disclose information only to those legitimately involved in resolving the grievance. Confidentiality must be maintained at all stages of the process, including at Stage 1. Unnecessary disclosure may also incur liability for breach of confidentiality.
- 4.12 The Makeup Technicians will maintain secure confidential records of all grievance proceedings and make them accessible to the parties involved for a period of five (5) years.
- 4.13 Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file).
- 4.14 A complainant is free at any time to decide to withdraw his/her complaint. A withdrawal of a complaint should be made in writing. When this occurs, this ends the process and no further action may be taken. The Makeup Technicians will keep appropriate records of grievances for at least five (5) years.
- 4.15 This policy and procedure is published on the The Makeup Technicians website and The Makeup Technicians Student Handbook.

Copies of this policy and procedure are provided to staff as part of the induction process for new staff. Appropriate training will be arranged as required for training and support staff.

## PROCEDURES

### 5. RAISING A GRIEVANCE

- 5.1 Students or potential students have three stages at which a complaint may be addressed. The stages are outlined below.
- 5.2 Potential students of accredited VET courses have 7 days from the date of their letter advising non-acceptance into the course to lodge a grievance relating to their interview.
- 5.3 In the case of an appeal against a penalty for a breach of the student code of conduct or of a The Makeup Technicians policy (refer The Makeup Technicians Misconduct Procedures), a student must lodge a grievance under The Makeup Technicians' Non-Academic Grievance Policy and Procedure within 10 days of the date of the written communication advising of the penalty.
- 5.4 STAGE 1 – INFORMAL PROCEDURE FOR LODGING A NON-ACADEMIC GRIEVANCE
  - i. Initially students or potential students (“the complainant”) are encouraged to raise their grievance directly with the person concerned or the supervisor of the person concerned with a view to resolution.
  - ii. a Grievance Form is received by THE MAKEUP TECHNICIANS and is to be immediately recorded into the Grievance and Appeals Register.
  - iii. If there is discomfort with a direct approach, or where the matter concerns allegations of illegal behaviour, the grievance should be lodged with the Student Welfare Officer, or the CEO. Written documentation may be required. The Student Welfare Officer or CEO may suggest mediation to resolve the matter.
  - iv. Discussions at this level may resolve the problem. Grievances at this stage are expected to be resolved within 14 days.

Student Welfare Office contact details are as follows:

106/420 Pitt Street, Haymarket, NSW, 2000 Australia

Ph: (02) 9280 2516

Email: tmt@makeup-technicians.com

### 5.5 STAGE 2 – FORMAL PROCEDURE FOR LODGING A NON-ACADEMIC GRIEVANCE

If unsatisfied with the response to the complaint or the process, the complainant may submit the complaint in writing to the CEO of The Makeup Technicians. The CEO will deal with the complaint within a reasonable period of time, normally within 30 days of receipt of the complaint.

In grievances involving the CEO, a formal complaint may be submitted to the co-Director, The Makeup Technicians.

Investigation by the CEO or their nominee will proceed as follows:

- i. As soon as possible after receiving the formal complaint, the CEO or their nominee will consider the matter with the aim of resolving it within 30 days. The CEO or his/her nominee will investigate with all parties having a right to procedural fairness. The CEO may request any person to provide information or documents in relation to the grievance.
- ii. A decision may be made not to investigate the matter if:
  - the CEO or nominee reasonably considers the grievance to be frivolous, vexatious or not made in good faith
  - there is a more appropriate person or authority with whom to lodge the grievance
  - the CEO reasonably believes investigation is not warranted having regard to all the circumstances of the case, or
  - the complainant referred the matter to a court or tribunal
- iii. The CEO will inform the complainant in writing of the outcome of the investigation, related decisions and

the reasons for making the decisions.

## 5.6 STAGE 3 – EXTERNAL APPEAL TO THE ORGANISATION NOMINATED BY THE MAKEUP TECHNICIANS AS THE EXTERNAL REVIEWER

If not satisfied with the decision of the CEO or their nominee, the complainant may request an external dispute resolution process to be undertaken by the appropriate person, who has been appointed by The Makeup Technicians as the external reviewer for grievances covered by this procedure.

A request for an external review should be lodged with the CEO of The Makeup Technicians. This request will be in writing and will set out the grounds of the application. It must be lodged with the CEO within 21 days of the Decision in Stage 2.

For purposes of this policy, the person nominated below is the contact for such an external review. Within 7 days The Makeup Technicians will forward the request for external review to:

For VET matters, The Makeup Technicians has a formal arrangement with a professional mediator based in Sydney for external arbitration.

Contact details are as follows: LEADR Student Mediation Scheme. Phone: 02 9251 3366 or email: [leadr@leadr.com.au](mailto:leadr@leadr.com.au)

The external reviewer is usually expected to forward a report to The Makeup Technicians within 30 days of receiving a request for a review.

The Makeup Technicians will provide the result (and reasons) of the external review in writing to the complainant and the respondent.

If the external reviewer makes recommendations in relation to a grievance they have reviewed, these will be forwarded to the CEO of The Makeup Technicians who will ensure that the recommendations are implemented in a timely manner, usually within 14 days of receipt by The Makeup Technicians.

A complainant who remains dissatisfied with the process applied by The Makeup Technicians following review by an independent party, may refer their grievance to the Australian Skills Quality Authority - ASQA Online Complaint Form available at <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>. Students are to be advised that ASQA will require the student to have exhausted all avenues through The Makeup Technicians' internal complaints handling procedure before taking this option.

The Grievance and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.