



Appeals, complaints and grievances procedure

Procedure	Appeals, Complaints and Grievances Procedure
Definitions	Refer to Global Glossary of terms
Purpose / Objectives	This purpose of this Appeals, Complaints and Grievances Procedure is to outline the process and procedure for the submission, review, assessment and determination of Appeals, Complaints and Grievances.
Scope / Application	<p>The College seeks to offer a learning experience for Participants that is positive, and where Appeals, Complaints and Grievances are appropriately addressed in a timely manner and a resolution is reached.</p> <p>The College will review the outcomes from this Appeals, Complaints and Grievances Procedure as part of its education quality improvement cycle.</p> <p>The Appeals, Complaints and Grievances Standing Committee (ACGSC) will regularly review its activity, and report to the Education Quality Standing Committee and the College Council annually as part of its quality improvement cycle.</p> <p>The College Manager will be secretary to the ACGSC.</p> <p>If there is any unintended conflict between this document and the APA Committee Regulations, the APA Committee Regulations will be the authoritative document.</p>
Procedure Handling	<p>Early and informal resolution of Appeals, Complaints and Grievances is encouraged by the College. This approach may be managed locally with informal private discussions between the parties.</p> <p>Where the issue is not resolved by an informal approach, or a party is not comfortable or satisfied with an informal approach, a party may choose to have their Appeal, Complaint or Grievance reviewed, assessed and, unless otherwise provided for in this Procedure, determined in accordance with the procedures outlined in this Appeals, Complaints and Grievances Procedure.</p> <p>The ACGSC will manage all Appeals, Complaints and Grievances. Appeals are to be reviewed, assessed and, unless otherwise provided for in this Procedure, determined by the Appeal Panel, whilst Complaints and Grievances shall be reviewed, assessed and, unless otherwise provided for in this Procedure, determined by the Complaint and Grievance Panel.</p> <p>The ACGSC Chair (or nominee appointed in accordance with the APA committee regulations) together with the College Manager will determine if the nature of the matter may pose any liability to the APA. Where this might be the case, the APA CEO will be immediately notified by the College Manager.</p> <p>If a matter is deemed outside the remit of the ACGSC, the individual will be informed by the APA CEO of alternative options for pursuing their matter. These may include the individual contacting the:</p> <ul style="list-style-type: none">• Physiotherapy Board of Australia• Health Complaints Commissioner (or equivalent authority)• Police• APA National Professional Standards Panel <p>Where a Complaint or Grievance relates to an illegal act, omission or conduct, the matter will also be referred by the ACGSC to the appropriate authority.</p> <p>If a matter is identified as a matter involving other misconduct by an APA Member, the matter may be referred to the APA National Professional Standards Panel.</p>



Conflict of Interest Procedure

A conflict of interest is a situation in which the concerns or aims of two different parties are incompatible. A conflict of interest can exist even if no unethical or improper act results.

A conflict of interest may be:

Actual – where a conflict between competing interests already exists

Perceived – where a conflict between competing interests is, or might be, seen to exist

Potential – where competing interests have the capacity to develop into a conflict in the future

1. The procedure and timeframe for hearing a complaint, grievance or appeal will commence once conflict of interest (COI) has been resolved.
2. Upon receipt by the College of a Complaint, Grievance or Appeal, the ACGSC Chair will be immediately notified.
3. Within two (2) Business Days of receiving the Complaint Grievance or Appeal the College Manager will determine whether it is appropriate for the ACGSC Chair to consider the matter or whether a COI exists. If COI on behalf of the ACGSC Chair exists, the ACGSC Chair will nominate a member of the ACGSC, who has no COI, to manage the matter.
4. Each member of the ACGSC will be notified for the purposes of determining whether any member has a COI. If a member of the ACGSC has a COI, they must declare the COI to the College Manager and withdraw from the matter.
5. The ACGSC Chair or their nominee will convene a Panel in accordance with regulation 13 of the APA Committee Regulations.
6. Each member of the Panel will be notified for the purposes of determining whether any member has a COI. If a member of the Panel has a COI, they must declare the COI to the College Manager and withdraw from the matter.
7. A notification to the Claimant will identify the Panel members, with the sole purpose of that notification being to determine whether a COI exists.
8. If the Claimant believes that a COI exists, the Claimant must notify the College Manager in writing within two (2) Business Days of receipt of the Panel Notice including the grounds for the alleged COI.
9. Where the Claimant has alleged in writing that a COI exists and the matter has not been able to be resolved between the relevant parties, the matter will be referred to the ACGSC.
10. The College Manager will send to all eligible members of the ACGSC details of the alleged COI. Within two (2) Business Days of receiving these details, each member of the ACGSC must independently respond to the College Manager in writing stating their recommendation.
11. If, after receiving the recommendations from each member of the ACGSC, there is not a consensus on whether a COI exists, a meeting of the ACGSC will be convened to make a determination on the matter.
12. The COI Meeting must take place within five (5) Business Days of the date on which the College Manager received notification from the complainant of the alleged COI.
13. At the COI Meeting, it will be decided by a majority vote whether a COI exists. Each member at the COI Meeting will have one (1) vote.
14. The College Manager will document the decision and inform the APA CEO of the decision in writing within two (2) Business Days of the date of the COI Meeting.
15. The APA CEO will notify the complainant of the ACGSC's decision via email within two (2) Business Days of the date of the COI Meeting.



**Complaint
or Grievance
Procedure**

16. If a participant wishes to submit a Complaint or Grievance to the College, they must submit their Complaint or Grievance via the Appeals, Complaints and Grievances (ACGSC) Form located [here](#) within fifteen (15) Business Days of the most recent incident giving rise to the Complaint or Grievance.
17. All information submitted by a Complainant relating to the Complaint or Grievance must be truthful and accurate and must not be frivolous, misleading or vexatious.
18. Complaints and Grievances may relate to any aspect of an educational or professional development Program of the College other than those listed in the Procedure Handling section of this Procedure Document.
19. The procedure and timeframe for hearing a complaint or grievance will commence once the COI Procedure has been completed.
20. The ACGSC Chair (or their nominee if a COI is established) and the College Manager will jointly decide whether the Complaint or Grievance has been properly made in accordance with this Appeals, Complaints and Grievances Procedure, appears to be made on proper grounds and, accordingly, whether the ACGSC will review, assess and determine the Complaint or Grievance
21. In making the Initial Review Decision, the ACGSC Chair or their nominee may request the College Manager to:
 - a) communicate with the APA CEO;
 - b) seek further information (via email or telephone) from:
 - i. the Complainant;
 - ii. any other person(s) who may be the subject of the Complaint; and/or
 - iii. any relevant College individual or entity.
22. Within five (5) Business Days of the Initial Review Decision, the College Manager will notify the Complainant of the Initial Review Decision.
23. If the outcome of the Initial Review Decision is not to proceed with the Complaint or Grievance, the Complainant will have no standing to pursue the particular Complaint or Grievance further.
24. If the Initial Review Decision is to proceed with the Complaint or Grievance, management of the Complaint or Grievance will commence in accordance with the below procedure.
25. Within twenty (20) Business Days of the Initial Review Decision, the Complaint and Grievance (CG) Panel will meet to review, assess and determine the Complaint or Grievance
26. The Complaint and the person(s) who are the subject of the Complaint or Grievance will be invited to attend the CG Panel Meeting but they are not required to do so.
27. The CG Panel, the Complaint and the person(s) who are the subject of the Complaint or Grievance may attend the Meeting by telephone or videoconference.
28. No later than ten (10) Business Days prior to the date of the scheduled CG Panel Meeting, the College Manager will notify the Complainant and any other person(s) who are the subject of the Complaint or Grievance in writing of the date of the CG Panel Meeting.
29. If the Complainant or the person(s) who are the subject of the Complaint or Grievance wish to attend the CG Panel Meeting, they must inform the College Manager of their intention to do so no later than five (5) Business Days prior to the Meeting Notice. Such a party is entitled to be accompanied by a support person at the Meeting. That support person is not permitted to make any submissions or to address the CG Panel meeting or any other parties at the CG Panel Meeting.
30. If a party intends to be accompanied or represented at the CG Panel Meeting by a qualified legal practitioner, that party must include this detail in its written notification to the College Manager provided for in paragraph 29 of this Procedure.
31. If a party does not provide the requisite notification to the College Manager in accordance with paragraph 29 of this Procedure, they will waive their right to attend and be represented or supported at the CG Panel Meeting.



Complaint or Grievance Procedure

32. The College Manager is responsible for collation of evidence relevant to the Complaint or Grievance and distribution to the Complaint and Grievance Panel. At the discretion of the ACGSC Chair (or their nominee), the Complainant or any other party relevant to the Complaint or Grievance will be invited to present to the CG Panel at the CG Panel Meeting.
33. Each party in attendance at the CG Panel Meeting will have the opportunity to present its case to the Complaint and Grievance Panel. In these circumstances, each party will be heard independently and without the other party present in the room.
34. After considering the relevant evidence and hearing any submissions from the parties, the CG Panel will make a decision at the CG Panel Meeting determining the Complaint or Grievance.
35. The decision by the CG Panel will either be that the Complaint or Grievance has merit or it does not have merit.
36. Each member of the CG Panel will have one (1) vote and a decision will be made by a majority vote.
37. The College Manager will document the decision and inform the APA CEO of the decision in writing within two (2) Business Days of the date of the CG Panel Meeting.
38. The APA CEO will notify all parties the subject of the Complaint or Grievance of the CG Panel's decision via email within two (2) Business Days of the APA CEO being notified in writing of the CG Panel's decision.
39. The outcome(s) of a decision of the CG Panel is at the discretion of the CG Panel and may include, without limitation, the following:
 - a) Rejection of the Complaint or Grievance (if it has no merit);
 - b) A formal apology to the Complainant;
 - c) Additional education or professional development
 - d) A direction to the relevant College Standing Committee in relation to enrolment or further assessment.
40. A deidentified copy of the CG Panel decision and any relevant deidentified documentation may be distributed as required to generate reform.
41. Where a complaint or grievance is dismissed and the CG Panel determine the complaint or grievance to be frivolous, misleading or vexatious the complainant may be required to pay a fixed amount of \$2000 towards the costs incurred.

Appeal Procedure

42. If a Participant wishes to appeal a decision of the College, they must submit their Appeal to the College within fifteen (15) Business Days of notification of the College's original decision.
43. The Appeal must be lodged by way of the Appeals, Complaints and Grievances Form which is available [insert], and detail the ground(s) of the Appeal.
44. An Appeal of a decision made by the College can only be brought by a Participant regarding:
 - a) the selection or admission to education or professional development at the College;
 - b) Milestone credentialing;
 - c) assessment (including Special Consideration, rescheduling of assessment);
 - d) recognition of prior learning;
 - e) progression or continued enrolment; or
 - f) a finding of academic misconduct.
45. An Appeal can only be brought on the following alleged grounds:
 - a) where the applicable criteria were not correctly applied by the College in making the subject decision; and/or
 - b) where the applicable procedure was not correctly followed by the College in making the subject decision.
46. All information submitted by the Appellant relating to the Appeal must be truthful and accurate and must not be frivolous, misleading or vexatious.
47. The procedure and timeframe for hearing an Appeal will commence once the COI Procedure has been completed.



Appeal Procedure

48. Within five (5) Business Days of the date that an Appellant lodges an Appeal:
 - a) the ACGSC Chair (or nominee) and the College Manager will assess and determine whether the Appeal falls within the remit of the ACGSC for determination of the Appeal by an Appeal Panel; and
 - b) written acknowledgement of receipt of the Appeal will be sent by the College Manager to the Appellant notifying them whether the Appeal falls within the remit of the ACGSC for determination of the Appeal by an Appeal Panel.
49. Where the Appeal is properly made in accordance with this Appeals, Complaints and Grievances Procedure, and the Appeal falls within the remit of the ACGSC, the Appeal will be referred to the Appeal Panel for determination.
50. The Appeal panel composition will be as regulation 13.8 of the APA Committee regulations https://australian.physio/sites/default/files/APA_Committee_Regulations_FA_July_2021.pdf
Within twenty (20) Business Days of completion of the COI Procedure an Appeal Panel meeting will take place by teleconference or electronically for determination of the Appeal.
51. The College Manager may contact any party pertinent to the Appeal prior to the Appeal Meeting to obtain any relevant further information.
52. The College Manager is responsible for collation of evidence relevant to the Appeal, and distribution to the Appeal Panel. This evidence must be distributed to the Appeal Panel as soon as practicable prior to the Appeal Meeting.
53. The Appeal Panel may request the College Manager to seek additional information or clarification of information prior to the Appeal Meeting. This material will be circulated to all members of the Appeal Panel as soon as practicable prior to the Appeal Meeting.
54. At the discretion of the ACGSC Chair (or their nominee) the Appellant or any other party relevant to the Appeal will be invited to present to the Appeal Panel at the Appeal Meeting
55. The College Manager will ensure a recording is made of the Appeal meeting and circulated to all attendees following the Appeal Meeting. This recording will be the formal record of the Appeal Meeting.
56. At the Appeal Meeting, the Appeal Panel will make a decision determining the Appeal.
57. In determination of the Appeal, each member of the Appeal Panel present at the Appeal Meeting will have one (1) vote and a decision will be made by a majority vote.
58. The decisions for determination of the Appeal that can be made by the Appeal Panel shall be either that:
 - a) the original decision of the College is upheld and the Appeal dismissed; or
 - b) the original decision of the College is set aside on the grounds that the applicable procedure was not correctly followed by the College in making the subject decision.
59. Within two (2) Business Days of the Appeal Meeting, the College Manager will document the Appeal decision and inform the APA CEO of the decision in writing.
60. Within two (2) Business Days of the APA CEO being informed of the Appeal decision, the APA CEO will notify the Appellant.
61. Where the original decision of the College is set aside, the Appeal Panel will have the discretion to determine the appropriate action following the Appeal decision. Such next steps may include, without limitation, the following:
 - a) the Appellant re-sitting an examination;
 - b) the reversal of a decision of the College in relation to the Appellant's admission; and / or
 - c) recognition and acknowledgement of credentialing.
62. The decision of the Appeal Panel on an Appeal is final and binding on the Appellant.
63. A deidentified copy of the Appeal Panel decision and any relevant deidentified documentation may be distributed as required to generate reform.
64. Where an Appeal is dismissed and the Appeal Panel determine the Appeal to be frivolous, misleading or vexatious the appellant may be required to pay a fixed amount of \$2000 towards the costs incurred.



Supporting policies	Appeals, Complaints and Grievances Policy
Responsibility for implementation	College Manager Appeals, Complaints and Grievances Standing Committee APA Chief Executive Officer
Responsibility for monitoring implementation	College Council General Manager Education Chairs College Standing Committees
Key stakeholders	College assessors College educators College participants College members College staff APA Board of Directors
Approval body	Australian Physiotherapy Association
Related policy and procedure	To be inserted on implementation
Related other documents	AHPRA complaints and feedback http://www.ahpra.gov.au/about-ahpra/complaints.aspx APA Code of Conduct https://australian.physio/aboutus/governance Physiotherapy Board of Australia Code of Conduct. http://www.physiotherapyboard.gov.au/Codes-Guidelines/Code-of-conduct.aspx Health Complaints Commissioner https://hcc.vic.gov.au/
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