

Complaints and Appeals against Program of Study or Education Providers

1. Background

1.1. Purpose

The purpose of this document is to outline the roles, responsibilities and processes of the Optometry Council of Australia and New Zealand (“OCANZ”) in the management of complaints and appeals in relation to the accreditation of optometry programs of study in Australia and New Zealand.

OCANZ reports to the National Boards, namely the Optometry Board of Australia (“OBA”) and the Optometrists and Dispensing Opticians Board (“ODOB”) in New Zealand, on any complaints, reviews and appeals made under this policy.

This document has been prepared in accordance with the Australian Health Practitioner Regulation Agency (“AHPRA”) *Management of Complaints relating to Accreditation Functions under the National Law* guidance document. It has also been prepared in accordance with the AHPRA *Quality Framework for the Accreditation Function* guidance document (“Quality Framework”) which requires accreditation authorities such as OCANZ to have published complaints, review and appeals processes which are rigorous, fair and responsive.

1.2. The monitoring function under the National Law in Australia

Section 50(1) of the Health Practitioner Regulation National Law as in force in each state and territory (“National Law”) in Australia requires OCANZ to monitor programs of study approved by the National Board to ensure that the program and education provider continue to meet the approved accreditation standards. One of the ways that OCANZ meets its monitoring obligations is to manage and process complaints about an accredited program and/or education provider.

1.3. Types of accreditation complaints involving education providers

In broad terms, complaints typically fall into one or two categories:

- a. A personal complaint in which the complainant seeks to have a matter investigated and rectified so as to bring about a change to their personal situation. This would include, for example, matters such as selection, recognition of prior learning/experience, allocation of clinical training settings, assessment outcomes or exclusion from a program of study. It is not the role of OCANZ to address personal complaints. Complainants should use the processes that education providers have in place to address such complaints, these processes will typically refer you to external complaint sources should they be required.

- b. A systemic complaint, which may evidence a possible failure of a program or provider to meet accreditation Standards. A personal complaint may also involve some systemic element, such that some part of the complaint will be treated as a systemic matter. For example, a complaint about supervision which indicated that inadequate supervision was widespread or that the processes of the organisation concerned to manage complaints were unsatisfactory or were not being properly implemented might involve a systemic element relevant to the role of OCANZ.

OCANZ distinguishes between:

- a. Complaints received during the process of conducting an assessment for accreditation. During an assessment OCANZ seeks comment and feedback from a range of people or organisations associated with the program or education provider being assessed. Matters which might be characterised as complaints received during an assessment process will be treated as a part of the assessment process itself and will be addressed in a general way during the assessment process without identifying the complainant or the particular complaint. The complainant will generally not be specifically informed as to the outcome of OCANZ' consideration of the issue/s raised but will be directed to the published accreditation report.
- b. Complaints received outside a formal assessment process, which may be relevant to the role of OCANZ in monitoring the compliance of education providers with OCANZ Standards and processes.

OCANZ can only respond to complaints that relate to the OCANZ Standards and processes. The process for managing complaints received outside a formal assessment process is outlined in Section 3 below.

1.4. Source of complaints

From time to time OCANZ will receive complaints from members of the community, students, staff, graduates, health services, individual health professionals or other stakeholders about accredited education providers or programs.

Complaints may be referred to OCANZ by other bodies involved in the health regulatory framework, such as the OBA or AHPRA in Australia or the ODOB in New Zealand.

OCANZ may also receive complaints from anonymous sources or from sources that request anonymity. OCANZ generally will not respond to anonymous complaints unless they raise matters of significant risk/s to public safety. It may be difficult for OCANZ to undertake a full investigation of a complaint without knowing and/or sharing the identity of a complainant.

2. Complaints information sharing with National Boards and other organisations

2.1. Sharing information between the National Boards and OCANZ

OCANZ is required to share complaints information with the National Boards in circumstances identified as potentially generating a high or extreme risk to the safety of the community. A high or extreme risk to the safety of the community is one that could or is reasonably likely to result in

the registration of graduates from an approved program who do not possess the knowledge, skills and professional attributes to practice the profession in Australia or New Zealand.

Generally, OCANZ will manage complaints that do not raise serious concerns about the continued meeting of accreditation standards as part of its monitoring processes and such complaints are not likely to generate the need for conditions on the accreditation or revocation of accreditation.

Under the AHPRA *Communication between Accreditation Authorities and National Boards about accreditation and program approval decisions and changes to accreditation standards* guidance document, OCANZ is required to highlight any conditions placed on the accreditation as a result of serious concerns about whether the program and education provider provide graduates with the knowledge, skills and professional attributes necessary to practise the profession in Australia.

As a result and in accordance with this guidance document, if a serious breach is alleged, OCANZ will act quickly to investigate the breach, introduce conditions (if necessary) and share relevant information with the National Boards.

2.2. Working with other regulatory organisations in the management of complaints

In managing complaints, OCANZ may work with and refer complaints to other regulatory organisations, such as the following in Australia:

- a. Tertiary Education Quality and Standards Agency (TEQSA) for matters relating to higher education providers; and
- b. Commonwealth Government Departments with responsibilities in relation to the education of international students and skilled migration.

3. Complaint management and appeals principles and processes

3.1. Principles for complaints management

OCANZ adopts the following approach to complaints management. We will:

- Aim first and foremost to ensure public safety;
- Acknowledge receipt of your complaint promptly;
- Assess your complaint as soon as possible;
- Adhere to the principles of natural justice;
- Deal with your complaint professionally, transparently, efficiently, fairly, respectfully and in accordance with the National Law;
- Treat your complaint with confidentiality;
- Keep you fully informed of the progress of your complaint;
- Investigate the matter in an objective and impartial manner in accordance with privacy obligations;
- Not take any actions until the investigation is completed;
- Ensure that our decisions are founded on reliable, relevant and appropriate evidence;
- Take immediate action for complaints that indicate a high risk to public safety;
- Give you a response including the reason for the decision/s; and

- If appropriate, use the findings from investigation of your complaint to implement quality improvements to our services.

3.2. Initial Steps in the complaint management process

When OCANZ receives a complaint about an accreditation process or an accredited program of study, OCANZ will consider whether the complaint:

- a. directly relates to an accreditation function;
- b. is an issue that should be considered as part of OCANZ's monitoring processes;
- c. relates to compliance with the Quality Framework.

OCANZ will respond to each complainant to confirm if the matter/s raised are or are not within the OCANZ remit to action.

In the first instances queries or concerns may be resolved by raising the matter of concern directly with the OCANZ Executive Officer. This is the most convenient, efficient, cost neutral method of conflict resolution.

3.3. Complaints about accredited education providers

Formal complaints must be submitted in writing.

In accordance with the *Better Practice Guide to Complaint Handling*, published by the Australian Commonwealth Ombudsman, OCANZ will generally follow the below process in handling systemic complaints received outside of an assessment process:

- **Acknowledge:** Once OCANZ receives the complaint, OCANZ will acknowledge receipt of the complaint promptly and provide the complainant with information regarding the OCANZ processes. If not already identified, OCANZ will ask the complainant what outcome they are seeking, acknowledging that sometimes expectations can be met and sometimes not. OCANZ will make a record of the complaint in a confidential and secure manner.
- **Assess:** OCANZ will assess the urgency of the complaint and determine whether the complaint is a personal complaint or a systemic complaint (or both). If the former OCANZ will refer the complainant to the provider's own complaints processes. If the complaint has systemic elements, the complaint will be referred to the OCANZ Executive Officer to determine the appropriate investigation and management of the complaint in line with the rules of natural justice and procedural fairness.
- OCANZ will not circulate a complaint more widely than is reasonably necessary to allow it to be dealt with properly. OCANZ will seek consent from the complainant to share the details and nature of the complaint with the education provider, in particular if OCANZ considers it is necessary that the complainant be identified to the education provider concerned (or the nature of the complaint is such that the education provider concerned is likely to identify or be able to discover the identity of the complainant). If the complainant does not give consent,

then OCANZ will have restricted ability to deal with the issues raised in the complaint. OCANZ may de-identify relevant material in any disclosure to the education provider.

- If the issue identified is potentially generating a high or extreme risk to the safety of the community, OCANZ will provide early notice of the issue to the National Boards in accordance with its monitoring requirements. In such exceptional circumstances, OCANZ may decide that it is important that the complaint be raised with the organisation involved even without the consent of the complainant to disclosure. In this circumstance OCANZ will inform the complainant of its proposed disclosure, and the reasons for it.
- Generally, once OCANZ has consent it will inform the education provider of the substance of the complaint, however there may be delay if the nature of the complaint is such that OCANZ considers that it can be appropriately dealt with in a general way as part of the monitoring function without identifying the complainant or the particular complaint.
- **Plan:** Depending on the complexity of the complaint, OCANZ will plan the investigation including identifying what is to be investigated, who will co-ordinate the investigation and taking into account whether there are any special considerations.
- **Investigate:** OCANZ will investigate the complaint using the principles of transparency, fairness, accessibility, responsiveness and evidence-informed decision-making.
- **Respond:** The complainant will be informed as to the outcome of the OCANZ consideration of the issues raised (this may involve some agreement with the provider concerned to respond specifically to the systemic issue of concern, ongoing monitoring of the issue by the provider and/or OCANZ, and/or the imposition of conditions on accreditation). When responding to the complainant, OCANZ may also provide details of the investigation and any findings. Sometimes, it is not possible for OCANZ to resolve every issue because the evidence may be scant, inconclusive or unevenly-balanced and this may be explained to the complainant.
- **Follow up:** OCANZ may seek feedback on complaints management to ensure transparency and stakeholder confidence in the process.
- **Consider:** OCANZ will consider any systemic issues identified in the investigation of the complaint and make a recommendation if any remedy or action is indicated, including referral to another agency. This may be done during the management of the complaint.

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