

BOARD POLICY

CONCERNS ABOUT

PROGRAMS OF STUDY



Scope

This policy applies to students, staff, education providers and other stakeholders wishing to raise a concern or complaint about an accredited optometry program, or education provider, or program or education provider that is undergoing an accreditation process regarding compliance with OCANZ Accreditation Standards. 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 in relation to the accreditation of optometry programs of study in Australia and New Zealand.¹

Introduction

OCANZ is appointed by the Optometry Board of Australia (OptomBA) and the Optometrists and Dispensing Opticians Board Te Poari o ngā Kaimātai Whatu me ngā Kaiwhakarato Mōhiti (ODOB) in New Zealand to accredit education providers delivering entry-level optometry programs of study. OCANZ also accredits programs leading to endorsement of ocular therapeutics.

Section 50(1) of the Health Practitioner Regulation National Law (National Law) in Australia and Section 118(a) of the Health Practitioners Competence Assurance act (2003) in New Zealand require 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.

This policy outlines the mechanisms for raising a concern about an accredited program of study where there is a concern that the program of study or education provider is no longer meeting the Accreditation Standards. The policy is intended to guide the following in managing a complaint or concern:

- people external to OCANZ who have a concern about an accredited program of study,
- OCANZ staff members, and
- the OCANZ Accreditation Committee.

Appeals of OCANZ accreditation decisions by education providers are addressed separately in the *Program Accreditation Appeals – Review of OCANZ Accreditation Decisions* policy available on the OCANZ website.

¹ The policy comports with the Australian Health Practitioner Regulation Agency (Ahpra) *Management of Complaints relating to Accreditation Functions under the National Law* guidance document and the Ahpra *Quality Framework for the Accreditation Function* guidance document (Quality Framework) which requires accreditation authorities to have published complaints, review and appeals processes which are rigorous, fair and responsive.

Complaints

Scope of complaints and concerns

Complaints about education providers or programs of study broadly fall into one or two categories: Personal complaints, or systemic complaints. OCANZ will only consider and investigate systemic complaints and appeals about an accredited program of study.

A systemic complaint is defined as a concern which may indicate a possible failure of a program of study or education provider to meet one or more accreditation standards.

Complaints and concerns outside the policy scope

OCANZ will not consider or investigate complaints, grievances or concerns relating to a personal complaint.

A personal complaint is defined as a concern 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 OCANZ's role to resolve 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.

At times, personal complaints may also involve a 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. Where personal complaints involve a systemic element, OCANZ will consider and investigate the systemic elements of the complaint only.

Who can raise a concern or complaint against a program of study or education provider?

Concerns can be raised by any person or entity, including but not limited to education provider staff members, students or graduates of an accredited program, employers of graduates, clinical placement supervisors or providers, individual health professionals, members of the community, or other external stakeholders.

Complaints may also be referred to OCANZ by other bodies involved in the health regulatory framework, such as the OptomBA 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 an anonymous complaint without knowing and/or sharing the identity of a complainant.

Principles for complaints management

OCANZ welcomes concerns about an accredited program of study or education provider as part of our commitment to ensuring that accredited programs continue to meet the accreditation standards.

We adopt the following approach when managing concerns or complaints.

Public safety

OCCANZ maintains its commitment to ensuring public safety and will take immediate action for complaints that indicate a high risk. Concerns that indicate a potential high risk to public safety will be escalated to the Accreditation Committee out-of-session.

Fair and transparent

OCCANZ is committed to handling concerns about accredited programs or education providers in a fair, proportionate and transparent manner. Consideration and investigation of concerns will adhere to the principles of natural justice, and concerns will be investigated objectively and impartially. Decisions will be made on reliable, verified, relevant and appropriate evidence. In accordance with privacy obligations, concerns will be treated confidentially, and if appropriate, findings may be used to improve the quality of OCCANZ's services.

Timely

OCCANZ aims to acknowledge concerns in a timely manner and will assess complaints or appeals as soon as possible. Updates will be provided to involved parties on a regular basis, and complainants will be informed of the decision, including the reason for the decision.

Respectful

OCCANZ will treat all complaints and complainants with respect. Respectful behaviour is also expected from complainants and education providers against whom the complaint has been raised. In accordance with the principles of fairness and transparency, no action will be taken until all evidence has been considered and the investigation is completed.

Process

The OCCANZ process for raising a concern is outlined below.

Submitting a concern

OCCANZ accepts concerns via the following channels:

1. Send an email to the Chief Executive Officer at CEO@ocanz.org
2. Phone OCCANZ on +61 03 9670 3173
3. Write to OCCANZ at CEO, Optometry Council of Australia and New Zealand, PO Box 16179, Collins St West, Victoria, 8007, Australia
4. Complete the 'Raising a concern' form on the OCCANZ website.

All concerns will be logged in an internal register. OCCANZ will acknowledge receipt of the concern and provide information about the process that will be followed.

Complainants unsure whether to raise a concern, or if OCCANZ is the appropriate organisation to raise the concern with, should email CEO@ocanz.org or phone OCCANZ on the number above for an informal discussion. Only formal complaints will be investigated. Where possible, formal complaints should be submitted in writing.

Acknowledgement

OCCANZ will acknowledge receipt of a concern in a timely manner and provide complainants with information regarding OCCANZ processes. If not already identified, OCCANZ will ask the complainant

what outcome they are seeking, acknowledging that sometimes expectations can be met and sometimes not. OCANZ will record the complaint in the internal register, ensuring information is protected in a confidential and secure manner.

Assessment

Concerns will initially be assessed by the Chief Executive Officer to determine the urgency of complaint and level of risk to public safety.

The Chief Executive Officer will also consider whether the complaint:

- is systemic
- directly relates to the OCANZ accreditation standards
- is a matter that should be considered as part of OCANZ's monitoring processes
- relates to compliance with the Quality Framework.

In the first instances queries or concerns may be resolved by the OCANZ Chief Executive Officer. This is the most convenient, efficient, and cost neutral method of complaint resolution. Additional information may be requested from the complainant. Advice may also be sought from the Chair, Accreditation Committee (or another Committee member if appropriate).

Where it is determined that a concern is a personal complaint, or where a concern is determined to not reasonably bring into doubt whether the program or education provider meets the accreditation standards, OCANZ will contact the complainant to explain its decision and the matter will be closed. OCANZ will refer complainants with a personal complaint to the provider's complaints process.

The Chief Executive Officer will assess systemic complaints to determine the appropriate investigation and management of the complaint in accordance with the rules of natural justice and procedural fairness.

Investigation

If it is determined that there may be issues which bring into doubt whether the program of study or education provider meets the accreditation standards, the CEO will determine the scope of the required investigation. OCANZ may contact the complainant to request further information and/or contact other individuals or organisations to provide information. OCANZ will also seek consent from the complainant to share the details and nature of the complaint with the education provider. If the complainant does not give consent, 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.

Where the complainant provides consent, OCANZ will contact the education provider to discuss the substance of concerns that have been raised. The education provider will be provided with a copy of the concern and will be invited to provide a written response. 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 complaint.

If the concern is determined to be a potential high or extreme risk to public safety, OCANZ will provide early notice of the concern 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.

The CEO will write an investigation report comprising the original concern and any other information gathered in the investigation, the providers response and a recommended outcome will be considered by the OCANZ Accreditation Committee.

Consideration by the Accreditation Committee

The Accreditation Committee may recommend three possible outcomes:

- **No action.** The Accreditation Committee is satisfied that no further action is required to ensure the Standards are met. This will be an appropriate outcome where the investigation has not substantiated the concerns raised; the Accreditation Committee concluded the issues raised do not affect compliance with the Standards; or where the education provider has already taken corrective action, and no further monitoring is required.
- **Monitoring requirement.** The Accreditation Committee is satisfied that the Standards continue to be met but requires further information as part of program monitoring to ensure that issues raised in the investigation are addressed. This will be an appropriate outcome where an education provider institutes changes to a program as a result of the concern and further assurance is required of their implementation and effectiveness.
- **Targeted review.** The Accreditation Committee has concerns a program may not be meeting the Standards and determines a targeted review by an OCANZ Assessment Team is required. A targeted review would focus on the standard or standards that may not be fully met. The targeted review will either be a paper-based assessment or a site visit, determined by the nature of the concern, the standards, and the appropriate method of achieving assurance.

Response

The complainant and education provider will be informed of the outcome of the investigation. When responding to the complainant, OCANZ may provide details of the investigation, any findings and the decision reached. An outcome of the investigation may include a recommendation for referral to another agency, such as the National Boards.

Concerns received prior to a site visit

OCANZ distinguishes between complaints received outside of formal accreditation processes (relevant to OCANZ's role in monitoring the compliance of education providers with OCANZ Accreditation Standards) and concerns raised during the process of conducting an assessment for accreditation.

Concerns received during the process of conducting an assessment for accreditation, or program immediately prior to, will be considered in the accreditation assessment process. During an accreditation 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 concern/s raised but will be directed to the published report on accreditation.

Timelines

OCANZ aims to:

- Acknowledge all concerns within five working days of receipt, and
- Keep the complainant and education provider informed about likely timelines and updated regularly.

Investigation timelines are dependent on the nature of the concern and will be influenced by the type of information needed, the time it takes the provider to respond and the meeting schedule of the Accreditation Committee. Consideration by the Accreditation Committee will be determined on assessed risk.

Notifications

National Board (Australia and New Zealand) and OCANZ

OCANZ is required to share complaints information with the National Board in Australia and ODOB in New Zealand in circumstances identified as potentially generating a high or extreme risk to students, graduates or the public. In addition to risks to the safety of the community, high risk issues also include alleged racism and/or bullying of a member of staff or students. 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, 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.

Other regulatory organisations

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

- Tertiary Education Quality and Standards Agency (TEQSA) or New Zealand Qualifications Authority (NZQA) for matters relating to higher education providers,
- Commonwealth Government Departments with responsibilities in relation to the education of international students and skilled migration, and
- The National Health Practitioner Ombudsman and Privacy Commissioner for matters relating to administrative action of the bodies implementing the national health practitioner regulation scheme.

Roles and responsibilities

Complainant

The role of the complainant is to:

- Attempt to resolve concerns directly with the education provider wherever possible
- Maintain confidentiality of all parties to a complaints process
- Submit a concern, providing as much supporting detail and documentation as possible, and
- Participate in an investigation process, if required.

OCCANZ staff

OCCANZ staff are required to:

- Act in accordance with OCCANZ policies and values
- Ensure privacy and confidentiality are maintained
- Observe the principles of natural justice and procedural fairness in assessing and investigating the concern
- Communicate with the complainant and education provider in a timely manner, as appropriate
- Additionally, the CEO will make decisions in line with this policy and determine actions in accordance with National Law, as a result of their deliberations.

Accreditation Committee

The OCCANZ Accreditation Committee are required to:

- Act in accordance with OCCANZ policies and values
- Ensure privacy and confidentiality are maintained
- Observe the principles of natural justice and procedural fairness
- Make decisions and recommendations in line with this policy
- Determine actions to be undertaken in line with this policy and in accordance with the National Law, as a result of their deliberations.

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