



POLICY

Program accreditation

Complaints about accredited programs and program providers

August 2023

1. Purpose

- 1.1 This document sets out a policy describing the principles and procedure for managing complaints related to accredited occupational therapy programs in accordance with the Health Practitioners Regulation National Law Act 2009.

Section 50 of the Health Practitioners Regulation National Law Act 2009 (National law) states:

- *The accreditation authority that accredited an approved program of study must monitor the program and the education provider that provides the program to ensure the authority continues to be satisfied the program and provider meet an approved accreditation standard for the health profession.*
- *If the accreditation authority reasonably believes the program of study and education provider no longer meet an approved accreditation standard for the health profession, the accreditation authority must:*
 - a) *decide to—*
 - i. *impose the conditions on the accreditation that the accreditation authority considers necessary to ensure the program of study will meet the standard within a reasonable time; or*
 - ii. *revoke the accreditation of the program of study; and*
 - b) *give the National Board that approved the accredited program of study written notice of the accreditation authority's decision.*

- 1.2 The Occupational Therapy Council of Australia Ltd (OTC) accepts complaints about accredited programs as one source of information which can help ensure programs continue to meet the OTC Accreditation Standards for Australian Entry-Level Occupational Therapy Education Programs (Accreditation Standards).

2. Scope

- 2.1 This policy relates to a complaint from students, graduates, staff, employers, members of the public or other stakeholders about an accredited occupational therapy program and/or the education provider. For example, students may be concerned about a sudden decline in qualified staff delivering a program, or external stakeholders may raise concerns about students' competencies.

- 2.2 For the purpose of this policy, the OTC will only investigate complaints about an OTC accredited program which relates to a 'systemic complaint'.
- 2.3 A systemic complaint, which may evidence a systemic matter, could signify a failure of the education provider to meet the accreditation standards. This type of complaint may be investigated by the OTC. In some instances, a personal complaint may indicate a systemic issue.
- 2.4 The OTC normally expects that concerns have been raised with the education provider first. Concerns about accredited programs may not raise issues about a program's ongoing accreditation and may be most effectively handled by the program/education provider and/or escalated to other appropriate bodies.

In the event the concern does raise issues about a programs on-going accreditation, the concern will be investigated following the process below.

- 2.5 This policy does not extend to complaints about the OTCs accreditation decisions or processes. Please refer to the OTC Policy - Internal Review.
- 2.6 The OTC does not have a role in resolving personal complaints where the complainant is seeking to have a matter investigated and addressed to bring about a change to their personal situation. This would include for example, matters such as selection, recognition of prior learning/experience, assessment outcomes, or dismissal from the program. These concerns should be directed to the education provider. Education providers are required to have an effective process in place to handle such complaints.

3. Abbreviations

Ahpra – Australian Health Practitioner Regulation Agency
CEO – Chief Executive Officer
PAC – Program Accreditation Committee (sub-committee of the OTC)
OTBA – Occupational Therapy Board of Australia
OTC – Occupational Therapy Council of Australia Ltd

4. Process

Once the CEO of the OTC receives a complaint in writing the following process will ensue, and the OTC will undertake its investigation in a respectful, transparent, consistent, fair and timely manner.

4.1 Acknowledgement

- Receipt of the complaint will be acknowledged to the complainant and registered on the complaints log.
- Where a complainant is unable to put the complaint in writing, the OTC will put in place reasonable adjustments to ensure the complaint is recorded.

4.2 Assessment

- The CEO of the OTC and Chair of PAC will undertake an initial assessment of the complaint to determine:
 - whether it is within the scope of this policy;
 - if the complaint should be investigated further because it appears to bring into doubt whether an accredited program continues to meet the Accreditation Standards;
 - if further information is required from the complainant;
 - if advice needs to be sought from other committee members of the PAC.

- If it is determined the complaint can be resolved informally without the need for further escalation, the complainant will be contacted to seek their opinion, and if agreed, the OTC will endeavour to resolve the issue through informal means.
- If the complaint is accepted, the complaint will be referred to the PAC for investigation.
- If after this initial assessment, the complaint is determined not to be relevant to the OTC, we can advise the complainant who to direct their complaint to.
- Complaints which are considered vexatious, frivolous or unreasonable will be dismissed.

4.3 Investigation

- PAC will appoint a panel (“the panel”) constituted by the Chair of PAC to investigate and determine the required action.
- The Chair of PAC shall chair the panel (or if unavailable, another PAC member who is also an OTC Director shall be appointed in their place), the CEO, the Program Accreditation Professional Advisor (PA) and at least two PAC members, shall form the remainder of the panel and agree on the action required.
- The OTC will contact the education provider to discuss the concerns that have been raised.
- The education provider will be provided with a copy of/information about the concern raised and invited to send written comments in response to the complaint, and any further queries which may arise during the investigation.
- The investigation will consider: the original concern/complaint, any other information gathered in the investigation, the education provider’s response.
- The investigation will culminate in a report of the process, findings, and outcome.
- Regular contact with the complainant will be maintained throughout the process.

4.4 The Outcome

- The outcome will be one of the following:
 - No action: where the panel is satisfied no further action is required to ensure the program/education provider meets the Accreditation Standards. This will be an appropriate outcome where the investigation has not substantiated the complaint raised; the panel concludes the issues raised do not affect compliance with the Accreditation Standards; or where the education provider has already taken corrective action and no ongoing monitoring is required.
 - Monitoring requirement: where the panel is satisfied the program/education provider continues to meet the Accreditation Standards but the OTC requires further information as part of program monitoring to ensure issues raised in the investigation are addressed. This will be an appropriate outcome where, for example, an education provider is putting in place changes to a program because of the concern/complaint and OTC requires further assurance of the implementation and effectiveness of the agreed program changes within the specified time frame.
 - Targeted review: where the panel has concern a program/education provider may not be meeting the Accreditation Standards and determines a targeted review by a PAC Assessment Team is required to determine if conditions need to be set or if an accreditation is to be revoked. The PAC Assessment team comprises the Program Accreditation Professional Advisor and two PAC members who are independent to the assessors involved in the latest accreditation. A targeted review would focus on the Accreditation Standard or Accreditation Standards that may not be fully met. The targeted review will be either a paper-based assessment or a site visit, determined by the nature of the complaint, the Accreditation Standards in question and the appropriate method/s to determine whether or not conditions need to be set or an accreditation revoked. Where the OTC investigation of the complaint is

deemed to require a site visit, the program/education provider and complainant will be consulted. The OTC may require the education provider to pay all or part of the costs.

- The program/education provider and complainant will be informed of the outcome.
- Complaints received during an accreditation assessment process (i.e. site visit), where possible, will be resolved onsite. The Program Assessment Team Leader would consult with the PA or vice versa, in the first instance, at some stage during the site visit. The PA would advise the CEO of the complaint and both PA and CEO would work with the Program Assessment Team Leader to resolve the issue.

5. Confidentiality and anonymity of complaints

- 5.1 The OTC will not circulate the complaint more widely than is reasonably necessary to allow the OTC to address the complaint fully.
- 5.2 The collection, storage, use and disclosure of personal information will follow the privacy principles outlined in privacy legislation.
- 5.3 If the OTC considers it is necessary 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), then the OTC will first seek the complainant's consent to the disclosure proposed. If the complainant does not give consent or the process for disclosure cannot be agreed, then the OTC's capacity to deal with the issues raised in the complaint may be restricted. The OTC may de-identify relevant material in any disclosure.
- 5.4 Generally, the OTC will inform the education provider or other person or entity involved of the substance of the complaint, but it may not do so or may delay in doing so in exceptional circumstances.
- 5.5 The OTC may accept anonymous complaints, however it is unlikely a full investigation can be undertaken without knowing the identity of a complainant.
- 5.6 The OTC will assess whether there is sufficient basis to investigate the anonymous complaint, considering the need for the education provider to be able to respond to the concerns raised. It may be that the complaint will be recorded but no further action will be taken.
- 5.7 However, there may be occasions where it would be appropriate and proportionate to investigate an anonymous complaint. This includes, for example, where it is possible to gather documentary evidence which might support the complaint; and/or where the same or similar complaints about a program are raised by multiple complainants.

6. Timeliness

The OTC is committed to investigating complaints in a timely manner. The OTC aims to:

- 6.1 Acknowledge receipt of complaints within five (5) working days of receipt.
- 6.2 Keep complainants informed about likely timescales and updated at regular intervals about the progress of any investigation.
- 6.3 Assess whether a complaint indicates a high potential risk to public safety. If a complaint indicates a high potential risk, the CEO of the OTC and the Chair of PAC may expedite the investigation and immediately advise the OTBA before the matter is referred to the PAC appointed panel.
- 6.4 The timescales for any targeted review required will also be influenced by an assessment of the potential risk.

7. Notification to OTBA

- 7.1 Where an initial assessment of a concern indicates a high potential risk to public safety, the OTBA will be notified promptly by the OTC.
- 7.2 In all matters where the PAC determines a monitoring requirement or targeted review is necessary, the OTC will notify the OTBA of its decision and the eventual outcome.

8. Other complaints avenues

8.1 Tertiary Education Quality and Standards Authority (TEQSA)

TEQSA regulates the higher education sector. Generally, TEQSA will only take action on concerns where:

- there is a serious risk to students or to the quality or reputation of the higher education sector; and
- they relate to the provider's compliance with its obligations within TEQSA's area of responsibility.

<https://www.teqsa.gov.au/complaints>

8.2 Ombudsman's office in each state and territory

Student complaints related to a perceived breach of their university's policies and procedures can be taken to the Ombudsman in the state or territory where the provider is based.

<https://www.studyassist.gov.au/support-while-you-study/higher-education-student-complaints>

9. Escalating the complaint

If the complainant is not satisfied with the way the complaint has been handled by the OTC, the complainant can contact the [National Health Practitioner Ombudsman](#).

10. Related documents

- OTC Internal Review.
- Complaints about the OTC.

11. Document information

Policy location:	OTC Website Governance handbook		
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