

Complaints & Appeals Policy and Procedure



RTO: 22360

Compliance Focus

ASQA Standards, Clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6

National Code 2018, Standard 10, 11

Policy Purpose

The intent of this policy and procedure is to provide clear and practical guidelines to ensure that any complaint or appeal against a decision can be resolved in accordance with the principles of natural justice, equitably and efficiency.

Policy Scope

This policy applies to all students, staff and contractors. This policy will not apply where other specific policies or procedures existing to deal with the matter, e.g., Misconduct, unsatisfactory performance or lack of academic progress.

Policy Statement(s)

Despite all efforts to provide satisfactory services to our students, clients, and other persons, complaints and appeals may occasionally arise requiring formal resolution.

The following Policy statements are an overarching view of the process to ensure that obligations are met under State and Federal Legislation, Funding Body contracts and VET Regulatory Body requirements.

A clear and concise procedure to guide staff on maintaining compliance in their daily tasks supports the policy statements.

Commitment

- All complaints and or appeals are responded to and treated seriously
- All stakeholders are provided the opportunity to present their case at each stage of the process
- The support of a third party is allowed when applicable and appropriate
- All information is provided to stakeholders in writing
- Student enrolment will be maintained during the complaints and or appeals process
- The privacy and confidentiality of all information during the complaint and or appeal process will be maintained.
- Where required by law, details of any complaint and or appeal to the requesting officer from the government department or agency will be provided
- All complaints will be recorded on the Complaints and Appeals Register
- Where applicable, the outcomes of a complaint and or appeal will form part of continuous improvement process
- This process is provided to all stakeholders at no cost and be available on the website

1. Complaints Procedural fairness

Complainants and Respondents have the right to have their complaint dealt with fairly, constructively, expeditiously, confidentially, and through the application of the principles of procedural fairness, without reprisal. This includes:

- The respondent(s) being informed of any allegations made in a complaint against them
- Parties to the complaint being advised of the procedures that apply to the management of the complaint
- Parties to the complaint being informed of the people involved and responsible for handling the complaint
- All parties to the complaint having a right to be heard
- The respondent being provided with an opportunity to respond

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- Relevant submissions by parties being fully considered before a decision is made
- A full and proper investigation of the facts
- Outcome of the investigation sent to the complainant and the respondent

2. Conflicts of Interest

Parties to the complaint management process, including those engaged to manage the complaint, must declare if a conflict of interest exists to the General Manager who will determine whether it is appropriate for the person to participate in the process.

3. Anonymous Complaints

No action on anonymous complaints received about staff unless the issues raised are serious and sufficient information is provided to warrant further enquiry into the allegations. Depending on the nature of the complaint, details of the complaint may be referred to other external agencies for investigation, as necessary.

4. Malicious Complaints

Complaints are accepted as genuine about perceived inappropriate or unfair behaviour or actions. However, on some occasions a complaint may be frivolous or malicious i.e., designed to harass or annoy, to cause delay or detriment, or for any other wrongful purpose.

Any student or staff member who makes a false allegation in retaliation for management instituting counselling or disciplinary processes as part of duty to manage and duty of care may be subject to disciplinary processes, and the matter may be dealt with as serious misconduct.

5. Student enrolment status

During the complaints and or appeals process, enrolment of a student will be maintained.

6. Staff Training

All staff are trained in the Complaints and Appeals process.

Policy Overview

This Complaints and Appeals Policy and related procedure are designed to ensure that we effectively address individual cases of dissatisfaction. This policy outlines our approach to managing complaints and appeals and ensures that all clients, students, staff and other stakeholders are aware of the steps to take to have their dissatisfaction addressed appropriately.

This policy provides an avenue for all complaints and appeals to be addressed in a fair, efficient, transparent and confidential manner.

Policy

VFA Learning is committed to providing its clients with a complaints and grievance process that is transparent, fair and easily accessed and that enables a student or other key stakeholder to transparently progress a grievance and/or a complaint. A grievance and/or complaint may be in relation to an academic or a non-academic matter.

Academic matters include those matters which relate to:

- student progress,
- assessment,
- course content, or
- awards in a VET course of study.

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Non-academic matters include those which relate to:

- enrolment in a course, or
- personal information held by the provider.

Students making any complaint or grievance should be assured that VFA Learning will maintain the student's enrolment while the complaints and appeals process is ongoing. Students should also be assured that all grievances and complaints are handled in the strictest of confidentiality, however if required by a government department, agency and/or their representative, VFA Learning may be required by law to provide the details of any compliant or grievance to the requesting officer.

General principles applying to all stages of this complaints and grievance policy and procedure which are strictly adhered to by VFA Learning staff are:

- the Complainant and respondent will have the opportunity to present their case at each stage of the procedure;
- the Complainant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire;
- the Complainant and the respondent will not be discriminated against or victimised;
- at all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and to the respondent if requested by the respondent;
- records of all complaints and grievances will be kept for a period of five years. These records will be kept strictly confidential and stored in the office of the General Manager and the Compliance Team.
- A Complainant shall have access to this complaints and grievance procedure at no cost.

We are committed to developing and maintaining an effective, timely, fair and equitable complaints and appeals system which is easily accessible whilst developing a culture that views complaints and appeals as an opportunity to improve. This is achieved by implementing a complaints and appeals handling system that is client focused and supports the prevention of event that cause complaints and appeals from recurring.

Students are informed of VFA Learning's complaints procedure through the Student Handbook through publishing of this Policy and Procedure on VFA Learning's website.

Complainants (students or prospective students or other key stakeholders) are entitled to access this complaints and grievance procedure regardless of the location of the campus at which the complaint or grievance has arisen, the complainant's place of residence or mode of study.

All staff are made aware of the steps in the process and their own responsibilities in relation to this process. Homeroom trainers understand their responsibility in relation to pastoral care as many potential formal complaints can be resolved very easily and quickly through appropriate action and care early.

VFA Learning is proactive in implementing processes, gathering feedback, followed by action through continuous improvement, and discussion at meetings, which assist in reducing the number of complaints. All students have several opportunities during their course to provide feedback. VFA Learning encourages welcomes any feedback, both positive and negative that may improve the services delivered at VFA Learning.

We will ensure that any complaint or appeal is resolved promptly, objectively, with sensitivity and in complete confidentiality. Whilst ensuring that the views of each complainant and respondent are

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respected and that any party to a complaint or appeal is not discriminated against or victimised with a view to achieving a consistent response to complaints and appeals.

Students and clients are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) involved prior to formalising a complaint. Our team will provide appropriate support to assist students in resolving their issues.

Complaints and appeals may be made in relation to any of our services, activities, and decisions such as:

- the application and enrolment process
- the quality of training and assessment provided
- training and assessment matters, including student progress, assessment, and outcomes
- access to personal records
- decisions made by the us
- the way someone has been treated

All formal complaints and appeals and their outcomes will be recorded in the Complaints and Appeals Registers. In addition, the register will be regularly reviewed by the Management Team and used as an opportunity for continuous improvement and reflection.

All formal complaints must be submitted in writing to the General Manager or nominated delegate and will be addressed, including a response to the aggrieved person, within twenty (20) business days of receipt.

A written record of all complaints and appeals managed under this policy and procedure and their outcomes shall be maintained for a period of at least five (5) years to allow all parties to the complaint or appeal appropriate access to these records.

We will maintain a Complaint and Appeals Register to document the course of action and resolution of all formal complaints. All complaints substantiated by the complaint's procedure will be reviewed as part of our continuous improvement procedure.

It is the responsibility of the CEO or nominated delegate to ensure adherence to the complaint procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting students with the complaint's procedure and supply of complaint forms.

All records relating to complaints and appeals will be treated as confidential and will be covered by our Privacy Policy.

Definitions

The following definitions apply to this Policy and Procedure:

A **complaint** is a concern about an act, behaviour, omission, situation, or decision, which an individual believes is unfair or unjustified.

The **complainant** is a person notifying of a complaint.

Conciliation is the process through which the parties involved in an allegation, with assistance from a neutral person, discuss the issues to develop options and consider alternatives with the goal of reaching a consensual agreement or outcome.

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Mediation is the process through which the parties involved in a dispute or allegations are assisted by a mediator to assist them to reach an agreement, which settles the dispute. Mediation encourages negotiation in a non-threatening environment.

The **respondent** is a person against whom the complaint is made.

An **informal complaint** is usually a minor dispute or difficulty that can be resolved without independent assessment or assistance. If the complaint remains unresolved, it can be escalated to a formal complaint.

A **formal complaint** must be made in writing and can be about anything that the individual feels is serious enough to require independent assessment. Formal complaints must be made using the Complaints and Appeals Form or can be submitted via email.

An **appeal** is a process that allows students to ask for a review of a decision relating to their academic progress or cancellation of their enrolment or outcome of a formal complaint.

Appellant a person who applies to for the reversal of a decision made.

Complaints Procedure

1. Informal complaints

Prior to initiating a formal complaint process, the parties involved will attempt to resolve concerns directly where possible. It is expected that many concerns can be resolved in this manner and students are encouraged to raise concerns directly with their trainer, particularly where the concerns are adversely affecting the learning environment.

Informal complaints are usually minor disputes or difficulties that (in most cases) could reasonably be expected to be resolved without an independent assessment or assistance. These are defined by VFA Learning as a grievance.

- The student will be encouraged to resolve the problem directly with their trainer or homeroom trainer. Students will be made aware of whom their homeroom trainer is at the start of the course as well as the homeroom trainer's responsibilities.
- All complaints need to be taken seriously by the homeroom trainer/ trainer. Remember that all individuals think differently and have varying levels of sensitivity and values.
- If the trainer/homeroom trainer feels that the issue is above their understanding, skill set or outside their comfort zone they will need to involve the Operations Manager or Department Head.
- It is important the trainer/ homeroom trainer establishes a timeline in relation to when a decision/ action will be taken in relation to the complaint.
- The length of time to remedy an issue will often vary depending upon the issue. However, all staff need to attempt to resolve issues as quickly as possible to prevent the complaint from escalating.
- The complaint, although informal, must be documented (e.g., a File Note in the student's file) by the trainer / homeroom trainer and added to the Complaints Register. Where applicable, the details of the complaint might also be added to the VFA Learning Continuous Improvement Register.
- If the issue is more serious, the complaint may go straight to Stage 2.
- At all times, the complainant is encouraged to resolve the problem directly between the complainant and the appellant. Homeroom trainers have been designated to the class to provide pastoral care and students are encouraged to use them for support. Most issues can be remedied at this level.

2. Formal complaints

Stage one

Where the parties involved are unable to successfully resolve the concern directly, then a formal complaint or appeal may be lodged in writing using the Complaints and Appeals Form. The form/online form is available on the VFA Learning Website and is available upon request and records the following information:

- Complainant's full name and contact details
- Details of the compliant
- The complainant's desired outcome
- Reasons outlining the escalation to a formal process
- If the complaint relates to another party, that party's full name and position

The completed form can be emailed to privacy@vfalearning.vic.edu.au or mailed directly to the Head Office.

Complaints can also be received without a completed form via email or a letter providing the authenticity of the written correspondence can be verified.

The Quality and Compliance Leader or appointed delegate will:

- Acknowledge receipt of all complaints in writing within 2 business days. The acknowledgement outlines the anticipated review period.
- Notify the General Manager of the complaint
- Commence the investigation into the complaint
- Record details of the complaint in the Complaint and Appeals Register

Under the guidance of the General Manager, the investigation process will commence no later than 5 business days after submission and including the following:

- Assess the complaint
- Speak with the complainant and where applicable the respondent
- Discuss the complaint with any staff members involved or named in the complaint
- Offer to arrange conciliation and mediation where applicable
- Determine the outcome, and advise the Complainant in writing of their decision, including the reasons for the decision within 10 business days.

If more than 60 calendar days are required to process and finalise the complaint or appeal, the complainant or appellant will be advised in writing, outlining reasons why more than 60 calendar days are required, and provide regular updates on the progress of the matter.

Stage Two

If the complainant is not satisfied with the outcome of Stage One, the complainant may lodge an appeal in writing to the General Manager.

Where the complaint directly involves the General Manager, the CEO will appoint a suitable, independent person (internal or external) to assess the complaint and determine the outcome.

The General Manager or suitable independent person will conduct all necessary consultations with the Appellant and other relevant persons and make a decision within 10 business days. The complainant will be advised in writing of the outcome, including the reasons for the decision, within 10 business days thereafter.

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During this stage of the procedure, each party has the option to be accompanied or assisted by another person, at that party's cost and the Appellant will be advised of their right to progress to Stage Three of the complaints' procedure if they consider the matter unresolved.

Stage Three – Independent Third-Party review

Where the complainant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party at their own cost. Appeals or requests for independent third-party review of decisions are to be lodged in writing within 20 business days of the appeal decision. Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the CEO.

The RTO acknowledges receipt of the request for independent third-party review in writing. The acknowledgement outlines the anticipated review period and the independent review officer. The review process and review officer are recorded in the RTO Complaints and Appeals Register and discloses any costs associated with a third-party review, so all parties are aware of any costs they may incur. The independent review officer makes a decision to the RTO and the complainant. Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately and the CEO and General Manager notified of any actions to be implemented. All documentation is securely filed, and the outcome and continuous improvement action noted in the Complaints and Appeals Register.

Appeals

The VFA Learning appeals process is concerned with a student's right to request change to decisions or processes of an official nature, usually in relation to academic or procedural matters (e.g., assessment results or certificate issuance).

In the case of a student's appeal against specific assessment decisions, the student should first discuss the decision(s) with the relevant trainer or assessor and request a reconsideration (a grievance). The trainer or assessor will hear the student's appeal, make fair judgement to the best of their ability as to whether change(s) are required and then discuss their final decision with the student. If the student is still dissatisfied with the trainer or assessor's decision, they have the right to take the appeal to the Compliance Manager.

The formal notice of a request for an assessment appeal (the notice) is required to comply with the following requirements:

- The notice should be in writing, addressed to VFA Learning's Compliance Manager and submitted within 14 days of notification of the outcome by the assessor.
- The notice must outline the qualification code and name as well as the code(s) and name(s) of the units which the student is seeking a review, together with an outline of their concerns as well as expected outcome.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 14 days otherwise the original result will stand.

If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to management. The notice of deferral must be submitted within 5 working days of the conclusion date displayed on the medical certificate.

It is the responsibility of the Compliance Manager to ensure adherence to the appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting students

with the appeal procedure and appointing an independent assessor. The VFA Learning's appeal review process will commence no later than 10 days.

If the student is still not satisfied with the resolution of the assessment appeal after following and exhausting the VFA Learning internal assessment appeals procedure, the student may contact the vocational education and training sector's regulator, ASQA, through contacting the ASQA Hotline on 1300 701 801 between 9.00 am and 7.00 pm Eastern Standard Time (EST), Monday to Friday.

Assessment decisions Appeals Procedure

1. Assessment appeals

Prior to initiating a formal assessment appeal process, the complainant must attempt to resolve concerns directly with their assessor wherever possible. The assessor will hear the student's appeal, make a fair judgement to the best of their ability as to whether the change(s) are required and then discuss their final decision with the student. If the student is still dissatisfied with the assessor's decision, they have the right to take the appeal to the formal stage and to address the appeal to the Compliance Manager.

The student must complete Section 2 of the Complaints and Appeals Form and lodge this within 10 business days of the original assessment outcome date.

If a student is citing a medical emergency as the reason for appeal, the appeal must be lodged within 5 business days of the date on the medical certificate.

2. Cancellation of enrolment appeal

A student under has the right to appeal the decision made by the RTO to cancel their enrolment. The Intent to cancel enrolment letter sent by VFA Learning, provides our students with details of how to lodge an appeal. Students can lodge the appeal up to and including the 27th day from the date on the letter. The formal notice of a request for an enrolment appeal (the notice) is required to comply with the following requirements:

- The Complaints and Appeals Form should be completed and sent to The Complaints Registrar as per the form details within 48 hours of receiving the letter of intent to cancel enrolment.
- The appeal must outline the reasons why the RTO should not cancel the student's enrolment and what the student will do to ensure engagement in their studies.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 27 days, otherwise the cancellation will go ahead.
- The appeals process is consistent with the Complaints Procedure in this document.

VET Student Loan Program

This policy and procedure has been designed and implemented to ensure compliance with the VSL Program requirement, specifically 'dealing with complaints' (Section 4.89, VSL Manual 2023).

Skills First Program (Vic)

This policy and procedure has been designed and implemented to ensure compliance with the following clauses of the Skills First funding contract (2023):

- VFA Learning acknowledges and agrees that it will respond to and co-operate in good faith with any complaints handling mechanism or process established by the Department from time to time, for the purpose of resolving student complaints or other issues in relation to the Training Provider's delivery of Training Services.

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- VFA Learning will publish on its website its complaints and appeals process.

Related Documents

- Complaints and Appeals form (online)
- Complaints and Appeals register
- Student Handbook
- Continuous Improvement Register

Related AKG Policies and Procedures

- AK-HR Grievances and Complaints Handling Policy and Procedure V3

Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the General Manager.

Publishing details

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