

Appeals and Complaints Policy and procedure v1.1

Relevant standards: AQTF 2007 Standards 2.2, 2.6; National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality

Changes to this document may also affect: Access and Equity Policy, Appeals/Complaints form, Appeals/Complaints Register, Delivery and Assessment Policy, Marketing material

This policy covers the following areas:

1. Appeals and complaints policy
2. Appeals and complaints procedure
3. Continuous improvement of this policy and procedure

Note:

- *Appeals here include appeals against decisions made by DTC, including appeals against decisions made as an attempt to resolve a complaint. For assessment appeals, please see the Delivery and Assessment Policy.*
- *At the time of preparing this policy, the National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality was available from http://www.dest.gov.au/sectors/training_skills/publications_resources/profiles/national_complaints_code.htm*

1. Appeals and complaints policy

- Complaints and appeals against decisions of the institution may be made by staff or students.
- This policy aims to ensure that (a) any appeals and complaints are resolved in a constructive manner with a minimum of bad feeling; (b) students feel satisfied that there is a process in place to deal with any appeals or complaints and that any appeals or complaints are handled satisfactorily; (c) an environment of fairness and trust is maintained; (d) the root causes of any complaints are identified and addressed to allow for continuous improvement and to avoid recurrence of the complaint.
- Before instituting an appeal or making a complaint, where reasonable it is preferred that the person or people concerned attempt resolution through discussion.
- Any complaints involving allegations of discrimination, harassment or victimisation will be taken particularly seriously, and could lead to expulsion (if a trainee) or dismissal (if an employee).

- Complaints and appeals will be viewed as a constructive contribution to continuous improvement of the institution's operations. Where the appeal or complaint results in discovery of a weakness in the college's operations, policies and procedures should change as a result.
- Details of the person appealing or making any complaints will be kept confidential. They will not intentionally be communicated to other students or people outside the organisation except in the case of government agencies and departments requesting the information or performing an audit.
- Complaints and appeals may be lodged anonymously, and can be made on behalf of a student by friends, family or other organisations.
- There will be no charge for making a complaint or lodging an appeal
- The Appeals and Complaints policy will be made known to prospective students through the marketing material. It is the CEO's responsibility to ensure that this happens. New students and staff will be reminded of this policy during orientation, and a summary of this policy will be freely available in the Student Handbook and the Staff Policy and Procedure Manual.
- Any document relating to a complaint or appeal should be kept in a secure location to prevent unauthorised access. Please see Record Keeping and Data Management Policy.
- Appeals other than appeals against assessment decisions can be made up to one year after the decision being appealed against, or later at the discretion of the Principal (assessment appeals have a different time frame, as specified in the Delivery and Assessment Policy). Records must be kept to allow sufficient investigation for appeal purposes during this period of time.
- Principles of fairness will be exercised throughout the complaint/appeals process:
 - There is to be no discrimination as a result of making a complaint
 - Complaints and appeal processes are to be transparent, equitable, objective and unbiased; principles of natural justice and procedural fairness are to be upheld at all times
 - The process must be accessible to all; thus, all staff need to be aware that people with limited English proficiency, special needs etc may need extra assistance with the complaints/appeals process.
- This agreement does not remove a student's right to take further action under Australia's consumer protection laws. The registered provider's dispute resolution processes do not circumscribe the student's right to pursue other legal remedies.

2. Appeals and complaints procedure

1. Before a student makes an appeal or complaint, where appropriate the student concerned should discuss the matter with their trainer/assessor, the Associate Director (Training & Assessment) or the CEO, as appropriate. If it is a staff member making the complaint or appeal, the matter should be discussed with the staff member's manager or the CEO, where reasonable to do so.
2. If the matter is not resolved at step 1, the preferred way to make a formal complaint or lodge an appeal is by completing and lodging an Appeals/Complaints form. This can be obtained from the DTC website. However, complaints and appeals may also be lodged by email, telephone or in person.

3. The form is handed or sent to the Administration Officer who passes it to the CEO at the earliest possible opportunity. Alternatively, it may be handed directly to the CEO. To preserve confidentiality, it may be delivered in a sealed envelope clearly marked "To the Principal—Urgent" and with the date.
4. The matter is entered into the Appeals/Complaints Register. The purpose of this register is to (a) make it easier to check whether there's a pattern to the complaints and appeals, or (b) facilitate continuous improvement and auditing of complaints and appeals handling.
5. The complainant/appellant is sent written acknowledgement of receipt of the complaint/appeal within ten working days of the date of the complaint/appeal (much sooner wherever possible), except in the case of anonymous complaints. This written acknowledgement will also state a time period in which it is expected the matter will be considered.
6. The Associate Director (Training and Assessment) is responsible for dealing with complaints relating to training and assessment processes and staff; the CEO is responsible for all other areas (though this may change at the CEO's discretion depending on the nature of the complaint). Other staff members may be consulted where appropriate and where this can be done without apparent bias. Complaint/appeal handling may also involve meeting(s) with the person making the complaint/appeal in order to gather more information or to negotiate a solution. The person making the complaint is entitled to bring another party to the discussion.
7. The matter may be considered at the next Management Meeting. Any part of a complaint/appeal that involves appealing against an assessment decision should follow the section of the Delivery and Assessment Policy dealing with appeals.
8. The person making the appeal/complaint is informed about the outcome in writing within the time period mentioned in the written acknowledgement of receipt of the complaint/appeal. The written information should clearly state the outcome and the reasons for it, and may be supplemented with a discussion with the students. It will also contain information about how to appeal against the decision.
9. An independent arbiter may be engaged if requested by the person making the complaint, who should be informed that the unsuccessful party to the appeal or complaint bears any cost of the independent arbiter. Either party will have opportunity to veto the choice of arbiter if lack of independence is suspected.
10. The Appeals/Complaints Register entry is updated to show the outcome, as well as any further appeal.
11. In the case of a student who makes a complaint not being satisfied with the outcome, the student can appeal to an outside organisation, such as:

ARC Secretariat

ACT Department of Education and Training
GPO Box 158
Canberra
ACT 2901

Tel: (02) 6205 7091

or:

National Training Complaints Hotline

nationalcomplaintshotline@dest.gov.au

Tel: 1800 000 674

If the complaint or appeal involves an alleged contravention of the Disability Standards for Education, the matter can be taken to the **Human Rights and Equal Opportunities Commission (HREOC)**:

Director,
Complaint Handling
Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 2001
www.hreoc.gov.au and click on 'lodge a complaint'

Staff members not satisfied with the outcome of a complaint may be able to use other channels, such as their union if they are a member.

12. Where relevant, changes will be made to institutional systems to avoid further occurrences of the matter that gave rise to the complaint. Please see the Continuous Improvement policy for the process. Care should be taken to ensure that such changes don't give rise to situations where a vociferous minority carries influence that adversely affects the majority. The CEO is responsible for ensuring balanced outcomes appropriate to all, and will check that the improvement is in place and is working after an appropriate period of time.
13. At the discretion of the manager in charge of handling the complaint/appeal, the complainant/appellant may be asked for feedback on how their complaint or appeal was dealt with.

3. Continuous Improvement of this policy and procedure

- This policy is reviewed at Management Meetings whenever a suggestion to do so is made, otherwise annually.
- Continuous improvement may include data from:
 - Annual staff survey (Staff feedback form)
 - Client satisfaction survey
 - Informal observations and comments from staff, especially during the complaints and appeals process itself.
 - Feedback from students regarding the complaints and appeals process, eg on Appeals/Complaints Feedback Forms.
 - Complaints and appeals register
- Records of continuous improvement will include:
 - Archived survey forms and summaries thereof
 - Minutes of meetings where continuous improvement is discussed
 - Version change information at the end of this document
 - Archived previous versions of this document

Version 1.1	Initial release	16 th July 2008
Position responsible for policy: CEO		
Signature of CEO:		