

Complaints and Appeals Policy and Procedure

Introduction:

This policy recognises that stakeholders of Foundation Learning Centre have the right to have resolved any complaint or grievance they have in regard to service, products, facilities, management and/or treatment received from Foundation Learning Centre while enrolled in Foundation Learning Centre's RTO, Community based education or Non-School Senior Secondary.

Stakeholders will be assisted to raise their concerns without fear of retribution. It is an opportunity to demonstrate true commitment to satisfying client requirements.

It is not always possible to like or approve of all people or situations, but it is possible to work together. Stakeholders can contribute to the success and smooth operations of the organisation.

In community work, it is important that we try to settle conflicts and grievances in a compassionate, just and reasonable way. We are aware that not all problems can be solved perfectly - both sides of a conflict have to be prepared to work towards a reasonable outcome.

Purpose:

This policy recognises that complaints and grievances do arise, and that you have the right to appeal a decision. Appropriate handling minimises trauma to those involved and minimises risk to the organisation. Any concerns raised should invoke the use of this policy to guide appropriate resolution. This policy applies to students enrolled in

Definitions:

Complaint: Something that cannot be fixed immediately by the person receiving the complaint and will, when attended to, improve services or products.

Appeal: An appeal is an expression of disagreement or dissatisfaction with a particular decision or result that has been.

Grievance: a complaint that cannot be successfully resolved without the input of others to facilitate or mediate a resolution.

1. Policy

This policy/procedure supports Foundation Learning Centre to provide a process for complaints and appeals to be heard and actioned. This includes any allegations involving the conduct of

- the RTO, its trainers, assessors or other staff;
- a third party providing services on the RTOs behalf, its trainers, assessors or other staff; or
- a learner of the RTO under the VRQA VET Registration
- a learner of the RTO under the VRQA Non-School Senior Secondary Registration
- a learner of the Community Education Programs, ACFE and Learn Local

All complaints and appeals received, will be viewed Foundation Learning Centre Inc (FLC) as an opportunity for improvement.

Despite all efforts of Foundation Learning Centre to provide satisfactory services to its students and clients, complaints may occasionally arise that require formal resolution. The following procedures provide students and clients the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy

all parties involved. This complaints and appeals process will be at no cost to the student or client (unless referred to a third party; see procedure for more details).

In accordance with the VRQA's VET and Non-School Secondary Provider Registration, minimum standards, all concerns must first be raised with the provider and reasonable time allowed for the provider to respond. The following procedure should be followed.

2. Procedure

The complaints and appeals policy and procedure and applicable form is made available to all students, potential students, and clients by directly contacting the RTO, through the RTO's website, and within the student information handbook.

2.1 General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the complainant's issue. Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed:

- Any student, potential student, or third party may submit a formal complaint to Foundation Learning Centre with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process.
- Complainants have the right to access advice and support from independent persons or an external agency at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. This form can be gained by contacting Student Administration at the RTO, or through the RTO website. This includes any allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff;
 - a third party providing services on the RTOs behalf, its trainers, assessors or other staff; or
 - a learner of the RTO under the VRQA VET Registration
 - a learner of the RTO under the VRQA Non-School Senior Secondary Registration
 - a learner of the Community Education Programs, ACFE and Learn Local
- All formally submitted complaints or appeals are submitted to the Compliance Department or directly to the Head of Department Complaints are to include the following information:
 - Submission date of complaint
 - Name of complainant;
 - Nature of complaint;
 - Date of the event which lead to the complaint
 - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the Head of Department regularly. The information to be contained and updated within the register is as follows:

- Submission date of complaint
 - Name of complainant
 - Description of complaint / appeal
 - Determined Resolution
 - Date of Resolution
- The complainant shall be notified in writing that their complaint has been received and registered with the RTO.
 - A complainant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
 - The Head of Department shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
 - As part of the process of investigating the complaint the Head of Department shall ensure the principles of natural justice and procedural fairness are maintained at all times. This includes informing and involving all parties involved in the allegations or cause for the complaint. There will be opportunities provided to all parties to provide their version of the event(s) or action(s) that have caused the complaint. The collection of information and details regarding the complaint will be conducted in a manner that ensures the privacy and confidentiality of all parties involved.
 - To ensure the fairness of the complaints system, the complaints resolution process (investigation and determining outcomes of a complaint) must be completed by a person independent of the complaint. In other words, where the complaint is in relation to the CEO or Head of Department's actions, the complaint shall be referred immediately to the General Manager and the Board of Management
 - In the unlikely event that the complaint is not finalised within 60 calendar days, the RTO shall ensure that the complainant shall be provided reasons for the delay, and will be regularly kept informed and updated of the progress of the matter.
 - Once a decision has been reached the Head of Department shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision, the RTO must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.
 - The Head of Department shall ensure that the RTO will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the registered provider must immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant of the outcome.
 - Copies of all documentation, outcomes and further action required will be placed into the 'Complaints and Appeals Register' by the Compliance Department and on the student's file / complainant's file.

2.2 Appealing a Decision

All complainants have the right to appeal decisions made by Foundation Learning Centre where reasonable grounds can be established. The areas in which a complainant may appeal a decision made by Foundation Learning Centre may include:

- Assessments conducted
 - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
 - Or any other conclusion / decision that is made after a complaint has been dealt with by Foundation Learning Centre in the first instance.
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- All appeals must be lodged within 30 days of the issue occurring/ decision being made.
 - To activate the appeal, process the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from the Compliance Department.
 - The complainant shall be notified in writing that their appeal has been received and registered with the RTO.
 - The Head of Department shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
 - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
 - The Head of Department shall ensure that Foundation Learning Centre acts on any substantiated appeal.
 - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

General appeals

- Where a complainant has appealed a decision or outcome of a formal complaint they are required to notify Foundation Learning Centre in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
- The appeal shall be lodged through the Compliance Department and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.
- The Head of Department shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The complainant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The complainant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify Foundation Learning Centre if they wish to proceed with the external appeals process.

Assessment appeals

- Where a student wishes to appeal an assessment they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

- If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'Complaints and Appeals Register.'
- The Training Manager shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer & Assessor appointed by Foundation Learning Centre.
- The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Foundation Learning Centre if they wish to proceed with the external appeals process

2.3 Governing Body

Non-School Senior Secondary

If the grievance is within Foundation College's programs from its scope of registration or within its Non-School Senior Secondary Provider registration and is of a nature that an independent party is required to resolve the grievance, Foundation Learning Centre will request that an appropriate agency will assist Foundation Learning Centre and the aggrieved person to agree upon a resolution. The appropriate agency will be chosen by Foundation Learning Centre according to the particulars of the grievance. For example: the course enrolled into, the age of the client and the particular nature of the grievance, etc.

Appropriate agencies may include:

- Southern Metropolitan Regional Office of Adult and Community Further Education
- The relevant Home School. The Home School is the school at which the student is officially enrolled according to the relevant Memorandum of Understanding (MOU).
- Local Regional DET Office
- The Dispute Settlement Centre of Victoria, Department of Justice

In addition to the above internal processes, if the processes fail to resolve the complaint or appeal, or the complainant or appellant is still dissatisfied with the decision of the RTO, an application can be submitted to the governing body Victorian Registration and Qualifications Authority (VRQA) to allow for any decisions made by the RTO in relation to the complaints and / or appeals process to be reviewed by the VRQA complaints department.

The complainant can submit a complaint to VRQA by doing one of the following:

- writing a letter and posting to the VRQA
- visiting the VRQA website (listed below) and completing the online complaints forms

Further information can be found on the VRQA website:

[Complaints \(vrqa.vic.gov.au\)](http://Complaints (vrqa.vic.gov.au))

<https://www.vrqa.vic.gov.au/complaints/Pages/making-a-complaint.aspx>

Contact details for VRQA are as follows:

Victorian Registration and Qualifications Authority (VRQA).
Level 4 Casselden Place, 2 Lonsdale Street
Melbourne Vic 3000
Postal Address: GPO Box 2317, Melbourne, Vic, 3001
Ph: (03) 9637 2806 Website: www.vrqa.vic.gov.au

Where the RTO is informed that the student has accessed the VRQA appeals processes:

- The RTO will maintain a student's enrolment until the external appeal process is finalised.
- The RTO will comply with the findings of the VRQA complaints or appeals process.
- Where a decision or outcome is in favour of the complainant, Foundation Learning Centre shall follow the required action and recommendation from the VRQA to satisfy the student's grievance as soon as practicable.
- All records and correspondence in relation to a complaint or appeal shall be maintained with the initial complaint and internal appeal documentation within the 'Complaints and Appeals Register' and the student file for a minimum of 5 years.

Further Information

Advocacy Services:

Throughout the resolution process, Foundation Learning Centre will ensure that the aggrieved person is aware of external agencies who can be contacted for support or advice.

Foundation Learning Centre will provide information regarding the location of advocacy services if requested by the client.

National Training Complaints Hotline

Alternatively, students are able to contact the **National Training Complaints Hotline** which is designed to protect the interests of students and employers. The contact details are as follows:

Website: <https://www.education.gov.au/NTCH>
Phone: 13 38 73

Students are also able to submit their complaint via email following the process described at <https://www.education.gov.au/email-complaints>

2.4 Preventative and Corrective Action

If the internal or any external complaint handling or appeal processes result in a decision that supports the complainant, Foundation Learning Centre will immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant, and all involved in the matter, of the outcome.

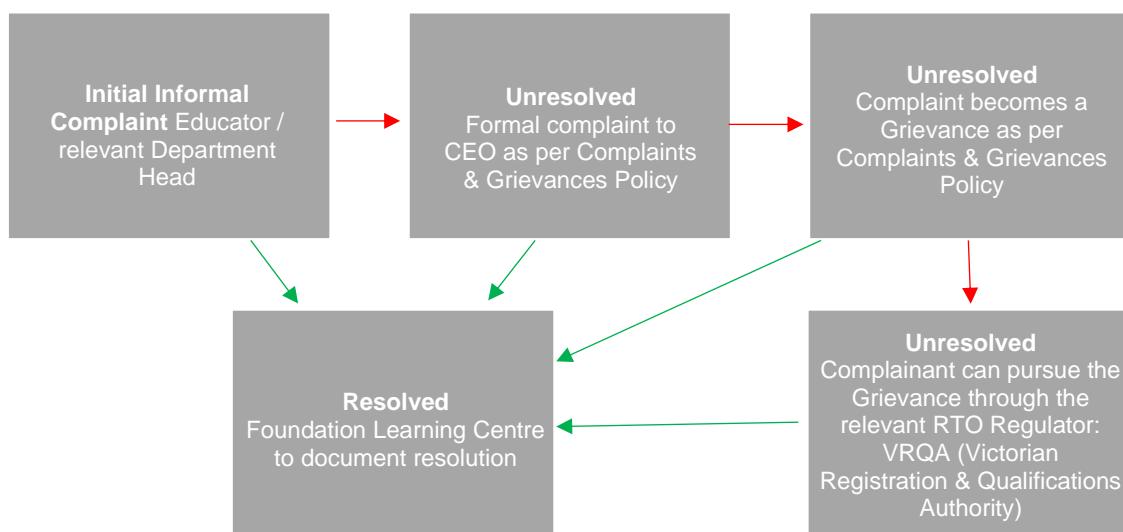
In all cases where a complaint, internal appeal, or external appeal is submitted results in any type of corrective action to be taken by the RTO, details of the complaint and / or appeal

shall be reviewed to ensure that steps are taken to eliminate or mitigate the likelihood of recurrence.

In addition, the complaints and appeals register shall be monitored by the CEO to ensure that all complaints and appeals submitted, regardless of the outcome, are able to be monitored and reviewed to ensure appropriate steps and actions are identified to prevent further re-occurrence.

The details of the complaint and resulting outcome(s) shall be reviewed as part of the RTO's next management meeting with the purpose of identifying the potential causes of the initial complaint. The RTO will then determine appropriate steps to be taken so as to remove the potential issue arising again in the future. Where the complaint has arisen due to any employee or student actions, appropriate mechanisms shall be implemented to ensure appropriate education is provided to prevent recurrence of potential issues.

Flowchart



Related Documents

Complaints and Appeals Form
Complaints and Appeals Register