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RESPONSIBLE MANAGER:	Audit Risk & Compliance
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## Introduction

The Complaints Resolution Procedure provides guidance in resolving issues raised by current, past or prospective students and other external clients. The complaint resolution process follows the detailed steps until it is resolved. At any point any party to a complaint may choose to take the matter before an appropriate external tribunal or authority, at which point the internal process will be immediately suspended.

If the complaint involves instances where behaviour constitutes a criminal offence then the police will be contacted.

The organisation imposes no cost on the process of lodging a complaint. However, if an external agency is engaged, they may choose to charge the complainant a fee for this service.

## Scope

The Complaints Resolution Procedure applies to any student or client of South West TAFE and is designed for the settlement of complaints of a non-academic nature. Complaints involving academic matters such as assessment or progression should be dealt with through the Academic Grievance process.

## Definitions

Complaint resolution	The process by which complaints are acknowledged and an acceptable outcome agreed to by the parties involved.
Complainant	The person who initiates the complaint resolution process by signing and lodging a written complaint with a particular academic or administrative area of the organisation.
Complaint	A written or verbal notice of dissatisfaction with any service offered by the organisation that makes clear to the recipient that a direct, personal response has been requested.
Informal stage	Processes for dealing with the complaints directly between the parties involved, with no formal mediation.
Formal stage	A sequence of mediated processes put in place to address a specific documented complaint.
Third party	A person outside the complaint who can act as facilitator and assist with the resolution process. This can be an external representative but not a legal representative.
Supporter	A person who provides personal support to a party involved with the complaint.
Mediation	A structured process led by a neutral third party seeking to negotiate an acceptable resolution to a complaint.

## Principles

- The organisation has an obligation to resolve the grievance as early and simply as possible.

- Every student or client of South West TAFE has the right to register a complaint or grievance about matters or issues relevant to their involvement with the organisation.
- The views of each complainant and respondent will be respected and any party to a complaint will not be discriminated against or victimised.
- The grievance will be considered with courtesy and respect and dealt with in a timely, fair and consistent manner.

## Confidentiality

In seeking to resolve a complaint, either informally or formally, confidentiality will be maintained as far as legally possible. The organisation is bound by the requirements of the [Privacy Act 1988](#).

### Informal stage

1. Parties to the complaint are encouraged to resolve the complaint through open discussion with the person who is the subject of the complaint, or is responsible for acting on the complaint.
2. Parties to the complaint can have a supporter assist and support them during discussions.
3. Informal diary notes should be kept by the parties involved.
4. The parties to the complaint may choose to prepare and sign off on an agreed outcome.
5. If there is no immediate resolution, a staff member may agree to support or mediate between the parties to the complaint.
6. If the matter of the complaint is not resolved, and if the complainant wishes to take the matter further, the complainant should complete a Formal Complaints Form under the "Contact us" link on the SWTAFE website, which will be forwarded to the Complaints Manager.
7. At this point, the complaint will move to the formal stage for resolution.

### Formal stage

If the complaint relates to the performance or behaviour of a staff member of the organisation, the Complaints Manager will notify the Director or Senior Educator to inform the Staff Member of the complaint. The HR Manager or CEO's nominee will be involved in any formal proceedings involving the staff member. Management of the complaint will transfer to the HR Manager and will follow the requirements of the Staff Code of Conduct and Disciplinary Procedures where relevant.

1. Upon receipt of a formal complaint:
  - 1.1 The Complaints Manager will provide acknowledgment (in writing) of receipt of the complaint within five working days. A confidential file will be opened and maintained until resolution of the complaint is achieved. The complaint will be registered on the Complaints Register and be monitored throughout the process by the Complaints Manager.
  - 1.2 The Complaints Manager will ensure that the complaint is passed onto the appropriate personnel for review and investigation within 10 working days. In some circumstances, the investigation may take longer than 10 days. In these situations, the Complaints Manager will communicate the need for additional time to the parties involved.
  - 1.3 In situations where the organisation considers more than 60 calendar days are required to process and finalise the complaint written notification will be provided to the complainant including the reasoning why more than 60 days is required. The Complaints Manager and Director/s involved in the complaint will ensure that the relevant parties are continually updated on the progress of the matter.
  - 1.4 The Directors/Senior Educators involved in resolving the complaint may choose to involve an internal or external mediator in order to resolve the issue, should the complainant approve of this.
  - 1.5 Any parties to a complaint may have a supporter assist and support them during resolution proceedings.

- 1.6 Any person nominated in the complaint will be provided with written details of the allegation against them and will have the opportunity to respond before resolution is attempted.
- 1.7 A complainant may withdraw their complaint at any stage or choose to have the complaint resolved informally.
- 1.8 The relevant personnel conducting the investigation will be required to conduct interviews of relevant parties and maintain confidentiality.
- 1.9 The relevant personnel conducting the investigation will recommend action for resolution to any parties to the complaint.
- 1.10 Agreement on resolution of the complaint will be documented and sent to the Complaints Manager to be placed on the Complaints Register.
- 1.11 The relevant personnel involved in the investigation will provide a written report detailing the process followed and resolution to the complainant and send to the Complaints Manager to be filed on the confidential file.
- 1.12 The relevant personnel involved in the complaint will seek resolution of the complaint with the complainant.

## Appeals

### Internal Appeals

If the complainant is not satisfied with the outcomes of the complaint, they may appeal to the CEO in writing within 21 days.

- The CEO determination will be final within the organisation's processes.

### External Appeals

If the complainant is still dissatisfied or is unsatisfied with the fairness of the process, the complainant has the right to lodge a complaint externally with an appropriate Government authority.

The following Government authorities can be utilised when lodging an external complaint and are a free service:

- **The Victorian Ombudsman**

The Victorian Ombudsman is an independent officer of the Victorian Parliament who investigates complaints about state government departments, most statutory authorities and local government.

*Contact Details for the Victorian Ombudsman*

*Address:* Level 2  
570 Bourke Street  
Melbourne VIC 3000

*Phone Number:* 03 9613 6222 or 1800 806 314 (Regional)

*Email:* [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

*Website:* [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

- **The Human Rights and Equal Opportunity Commission**

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws:

- Equal Opportunity Act 2010
- *Racial and Religious Tolerance Act 2001*
- Charter of Human Rights and Responsibilities.

*Contact Details for the Human Rights & Equal Opportunity Commission*

*Address:* Level 3  
204 Lygon Street  
Carlton VIC 3053

*Phone Number:* 1300 891 848

*Email:* [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)

Website: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

- **Disability Services Commissioner**

Disability Services Commissioner (DSC) works with people with a disability to resolve complaints about disability service providers.

*Contact Details for the Disability Services Commissioner*

Address: Level 20  
570 Bourke Street  
Melbourne VIC 3000

Phone Number: 1300 677 342

Email: [contact@odsc.vic.gov.au](mailto:contact@odsc.vic.gov.au)

Website: [www.odsc.vic.gov.au](http://www.odsc.vic.gov.au)

## Form of Complaint

South West TAFE will accept any form of complaint and encourage all students, employees and general public to provide feedback to ensure the organisation is continually improving.

Some forms of complaints that may be presented to the Audit, Risk and Compliance Manager are:

### 1. Online Feedback Portal

Students, employees and the general public are encouraged to provide feedback using the Online Feedback portal on the organisation's website. The feedback will be sent to the Audit, Risk and Compliance Manager who will follow the above steps.

### 2. Feedback Form

A feedback form will be made available at the Front Reception of each campus for students, employees and the general public to complete. The Feedback Form is to be returned to Front Reception and placed in the Feedback Box or in a designated secure location for collection by the Audit, Risk and Compliance Manager.

### 3. Over the phone

Complaints can be taken over the phone and passed onto to the Audit, Risk and Compliance Manager to place on the Register and address with the relevant senior manager.

### 4. In writing

Complaints may be placed in writing either through email or letter which will be passed onto the Audit, Risk and Compliance Manager

## Record keeping

Once formal grievance procedures are invoked, details of allegations and investigatory notes will be kept in confidential files. During the investigation process, these will be kept separately from either the student or the staff member's personal file.

The organisation will take all necessary steps to ensure that information regarding the grievance shall be disclosed only to those persons who have a right to the information by virtue of their role in the appeals process.

Following a decision, any party to the complaint can write to the Audit, Risk and Compliance Manager requesting a written explanation of decisions made or actions undertaken.

Following resolution of the complaint, records will be kept in accordance with Student Management Records Procedures and maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records upon written request. Where a complaint is proven, the outcome may be placed on the student's or staff member's personal file.

## Continuous Improvement

Any areas for improvement which arise where a complaint is found to be substantiated are documented in a Continuous Improvement Report and forwarded to South West TAFE's Audit, Risk and Compliance Manager for investigation and implementation where relevant

## Awareness and training

All policies, procedures and required documents will be published on the South West TAFE website and will therefore be accessible to all members of the public and students regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

Information will be available to staff from the organisation's intranet and will form part of staff professional development and staff induction. Any significant changes in this policy or process will be advised to staff through the organisation's intranet and if appropriate, training workshops will be offered.

# COMPLAINTS RESOLUTION PROCESS

