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<b>DOCUMENT REFERENCE:</b>	<b>PPP141</b>
<b>RESPONSIBLE MANAGER:</b>	Executive Manager – Corporate Services
<b>CATEGORY:</b>	Student Information and Services
<b>APPROVED DATE:</b>	02 September 2021
<b>DATE OF NEXT REVIEW:</b>	September 2023
<b>RELATED POLICIES AND DOCUMENTS:</b>	<b>Legislation:</b> 2015 Standards for RTO's Education and Training Reform Act 2006 VET Student Loans Code of Practice Privacy Information Act 1988 Privacy and Data Protection Act 2014 (Vic)
	<b>Documents:</b> PPP013 Inclusion and Diversity Policy PPP046 Information Privacy Policy PPP163 Complaints and Appeals Policy PPP140 Academic Grievance and Appeal Procedure PPP132 Assessment Guidelines PPP138 Plagiarism Guidelines PPP149 Student Code of Conduct PPP129 Skills Recognition Guidelines PPP055 Procurement Governance Framework

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## Introduction

The Complaints Resolution and Appeal Procedure provides guidance in resolving issues raised by current, past or prospective students, NDIS participants or other internal/ external parties. 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.

## Principles

- South West TAFE has an obligation to resolve complaints as early and simply as possible.
- Every current, past or prospective students and other external party has the right to register a complaint or grievance about matters or issues relevant to their involvement with South West TAFE.
- Any complaint will be considered with courtesy and respect and dealt with in a timely, fair and consistent manner.
- The views of each complainant and respondent will be respected and any party to a complaint will not be discriminated against nor victimised.

## Scope

The Complaints Resolution and Appeal Procedure applies to any current, past or prospective students, NDIS participants or other internal/ external parties 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 **PPP140 Academic Grievance and Appeals procedure**.

Issues about facilities, parking, and marketing practices – can be referred for attention without lodging a formal complaint through SWTAFE's Online Feedback portal on the organisation's website. A paper based feedback form will be made available at the Front Reception of each campus for current, past or prospective students or external party.

## Definition

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 complaint with a particular 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.

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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.

## 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 and Data Protection Act 2014 (Vic)** and **Privacy Act 1988**.

## Key Roles and Responsibilities

The Organisation management group, managers and all staff are accountable for promoting and ensuring a harmonious, fair and just learning environment by ensuring that current, past or prospective students or external parties have access to processes that allow for grievances, disputes, problems and complaints to be resolved.

- **Board** - has responsibility for oversight and reviews annual complaints and appeals report
- **Chief Executive Officer** - is responsible for ensuring that the complaints and appeals procedure and related systems are established, implemented and maintained in accordance with this procedure. The CEO is integral to the appeals process
- **Executive Managers** - will oversee the formal stage complaint and may form part of the appeals process. Have responsibility for oversight and reviewing complaint reporting.
- **Managers/ Senior Educators/ Teachers** – Oversight of the informal stage and involved in resolving the complaint and ensuring remedies are implemented.
- **Complaint Manager** – Facilitate and coordinate the formal stage listed below. Regularly analyse complaints to see what is going wrong. Will maintain the complaint register. Will provide an annual report to the Board on the complaint and appeals received for the calendar year, identifying any trends or concerns.

## Complaint resolution procedure

Current, past or prospective students, NDIS participants and other internal/ external parties have access to processes by which a complaint may be addressed. There is no cost imposed by South West TAFE to resolving a complaint; however an external agency engaged for support may choose to charge the complainant a fee for service.

Reasons for decisions and actions taken as part of the procedure will be provided to the complainant at any stage of the process.

The complainant and the respondent have the right to be represented by a third person (such as a family member, friend, counselor or other professional support person) if desired. Legal representation is not permitted unless either party elects to take the grievance externally. Please note that due to privacy, written permission is required from a complainant who is 18 years or older when a family, friend, counselor or other professional support person wish to act on their behalf

## Informal stage

In the first instance, a complaint should be discussed as soon as possible with the person/s involved. However, if this is impractical, the complainant should make a complaint to the relevant Manager.

The Manager will consider the complaint and attempt to reach a satisfactory resolution within 10 business days.

1. Parties to the complaint are encouraged to resolve the grievance 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. An advocate can be arranged for NDIS clients for further support.
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 academic grievance.
6. If the matter of the complaint is not resolved, and if the complainant wishes to take the matter further, the complainant should submit a formal complaint. South West TAFE will accept any form of formal complaint and does encourage any feedback that leads to opportunities for improvement. The methods of lodgement are:

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### a) Online Feedback Portal

Current, past or prospective students or external parties are encouraged to provide feedback using the Online Feedback portal. The complainant can locate a Formal Complaints Form under the "Contact us" link on the SWTAFE website. The feedback will be sent to the Complaint Manager who will commence the formal stage.

### b) Feedback Form

A feedback form is available at the Front Reception of each campus for students, employees a suppliers/contractors 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 Complaint Manager.

### c) Over the phone

A Formal complaint can be taken over the phone and passed onto to the Complaint Manager to place on the Register and address with the relevant Senior Educator.

### d) In writing

A Formal complaint may be placed in writing either through email or letter which will be passed onto the Complaint Manager.

7. At this point, the complaint will move to the formal stage for resolution.

## Formal stage

Where consideration at the informal level does not lead to a satisfactory resolution or the complainant is not satisfied with the Managers decision, the complainant may proceed to a formal complaint.

The complaint must be submitted to the Audit and Compliance Officer, who is South West TAFE's nominated Complaints Manager. The Complaint Manager will inform the appropriate Executive Manager. Depending on the nature of the complaint, the Executive Manager and Complaint Manager will determine the process to be followed and who will oversee the complaint.

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

### Upon receipt of a formal complaint:

1. The Complaints Manager will provide acknowledgment (in writing) of receipt of the complaint within two 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.
2. In situations where the complaint relates to NDIS supports and services that South West TAFE provides, the Complaints Manager can provide acknowledgment in easy english. An external advocate can be arranged for the complainant if required. 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.
3. 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 business days. In these situations, the Complaints Manager will communicate the need for additional time to the parties involved.
4. 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 Manager/s involved in the complaint will ensure that the relevant parties are continually updated on the progress of the matter.
5. In situations where the complaint relates to purchasing or probity the organisation will inform the Victorian Government Purchasing Board (VGPB) if the complaint cannot be resolved to the satisfaction of both parties within five days.
6. The Managers 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.
7. Any parties to a complaint may have a supporter assist and support them during resolution proceedings.
8. 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.
9. A complainant may withdraw their complaint at any stage or choose to have the complaint resolved informally.
10. The relevant personnel conducting the investigation will be required to conduct interviews of relevant parties and maintain confidentiality.
11. The relevant personnel conducting the investigation will recommend action for resolution to any parties to the complaint.

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12. Agreement on resolution of the complaint will be documented and sent to the Complaints Manager to be placed on the Complaints Register.
13. 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.
14. 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 of receiving this advice.

1. The CEO will authorise a review of the decision and will meet with relevant staff.
2. The CEO may appoint an Executive Manager to undertake further investigations.
3. The complainant is then advised of the outcome within 10 working days, all matters raised will be addressed in writing.
4. The CEO determination in the matter will be final within South West TAFE's processes.

#### External Appeals

South West TAFE aims to resolve complaints and appeals honestly, fairly and without bias. Wherever possible, complaints and appeals will be managed internally. 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**

Address: Level 2 570 Bourke Street  
Melbourne VIC 3000

Tel: 03 9613 6222 or 1800 806 314 (Regional)  
Website: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

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

##### **Human Rights & Equal Opportunity Commission**

Address: Level 3 204 Lygon Street  
Carlton VIC 3053

Tel: 1300 891 848  
Website: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)  
Email: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)

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.

##### **National Disability Insurance Agency**

Address: *NDIS Quality and Safeguards Commission*  
PO Box 210  
Penrith NSW 2750

Tel: 1800 035 544  
Website: [www.ndiscommission.gov.au/about/contact](http://www.ndiscommission.gov.au/about/contact) and complete electronic form

NDIS recommend that you call their complaints line directly on 1800 035 544. Even if you're not sure yet if you want to make a complaint, they can provide advice and information to help you decide what you want to do.

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## Victorian Government Purchasing Board (for complaints from external parties regarding Procurement)

### Contact Details for The Chair VGPB

Victorian Government Purchasing Board  
Department of Treasury and Finance  
GPO Box 4379  
Melbourne VIC 3001

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

Victorian Government Purchasing Board (VGPB). A complainant can refer a complaint to the VGPB for review if not satisfied with the actions of the organisation involved. Refer to [buyingforvictoria.vic.gov.au](http://buyingforvictoria.vic.gov.au) for the specific process

### Withdrawal of a complaint

A current, past or prospective students or external party may withdraw a complaint or grievance at any time during the grievance resolution process and in this case the matter will be concluded and deemed to be resolved. If the original complaint or grievance was made in writing then the withdrawal must also be in writing to the relevant staff member or external entity who is handling the matter at the time the withdrawal is lodged.

### Confidentiality and record keeping

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

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

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 HR file.

### Assistance with a complaint

In addition to external supports, South West TAFE staff are available to assist current, past or prospective students and other internal/ external parties with lodging a complaint.

### Reporting and monitoring

South West TAFE always look for opportunities for improvement and always welcomes the feedback current, past or prospective students and other internal/ external parties. Improvements and agreed outcomes are monitored for effectiveness.

South West TAFE Executive monitor the status of complaints through weekly meetings and issues are discussed verbally. An annual report of de-identified information summarizing complaint data is provided to the Board of Studies, Executive and the South West TAFE board. Complaints related to Free TAFE are reported to the Department of Education and training on a monthly basis.

Where a complaint is related to a purchasing or procurement activity the organisation must disclose in its annual report the following:

- The procurement activity to which the complaint relates; and
- The status of the complaint confirming whether it:
  - Was resolved;
  - Is still under investigation; or
  - Could not be resolved

### Awareness and training

All policies, procedures and required documents and information relating to direct student services 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 South West TAFE'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 South West TAFE's staff newsletter, intranet and if appropriate, training workshops will be offered.

# COMPLAINTS RESOLUTION PROCESS

