

## Wyndham Community and Education Centre Inc Policy and Procedure

Policy name	<b>Complaints and Appeals Policy &amp; Procedure</b>
Responsible person	CEO, President
Staff involved	Education Manager, VCAL & Youth Manager, Business Services Manager, Community Strengthening Manager, Coordinators
Review dates	2018
Related documents	<p><b>Legislation:</b> Education and Training Reform Act 2006 (Vic), Education and Training Reform Regulations 2007(Vic), Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Equal Opportunity Act 2010 (Vic), Multicultural Victoria Act 2011 (Vic), Occupational Health and Safety Act 2004 (Vic), Health Records Act 2001 (Vic), Public Records Act 1973 (Vic), Racial and Religious Tolerance Act 2001 (Vic), Disability Regulations 2007, Working with Children Act 2005 (Vic), Children, Youth and Families Act 2005 (Vic), Racial Discrimination Act 1975 (Cth)</p> <p><b>Policies:</b> Access &amp; Equity Policy; Conflict Resolution Policy; OH&amp;S Policy and Procedure, Privacy Policy &amp; Procedure, Mandatory Reporting Policy &amp; Procedure, Child Safe Policy &amp; Procedure, Delivery &amp; Assessment (Foundation Skills) Policy &amp; Procedure , Delivery &amp; Assessment (VET) Policy &amp; Procedure, VCAL Assessment Policy &amp; Procedure, VCAL Student Selection, Enrolment, Induction and Delivery Policy &amp; Procedure, Recognition of Prior Learning and Recognition of Current Competencies Policy &amp; Procedure, Recognition of Qualifications issued by other RTOs Policy &amp; Procedure, Special Consideration Policy &amp; Procedure, Plagiarism, Cheating &amp; Collusion Policy &amp; Procedure</p> <p><b>Other:</b> Complaint Form; Complaint Action Record; Appeal Form; Complaint's Register; Rules of Association, AQTF Essential Conditions and Standards for Continuing Registration Victorian Training Guarantee Contract Compliance Complaints Management Guide, DEECD Statement of Expectations, Codes of Conduct, Victorian Child Safe Standards</p>

### Policy Context

This policy applies to all students, clients, staff and volunteers of Wyndham Community and Education Centre Inc (Wyndham CEC). Wyndham CEC acknowledges that students, clients, staff and volunteers of the Centre who believe they have been adversely affected by its operations have a right to complain and have their complaint dealt with in a fair, accountable and transparent way in accordance with the principles of natural justice. Wyndham CEC is committed to responding promptly and efficiently to complaints and

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appeals and has developed and implemented a process for handling complaints efficiently.

### Definitions

**Complaints** include but are not restricted to matters of concern to clients accessing any program or service from Wyndham CEC's training, business or community strengthening services.

**Appeals** can be made when a student, client, staff member or volunteer is not satisfied with a decision that Wyndham CEC has made in relation to a complaint.

**Natural Justice** is concerned with ensuring procedural fairness such as:

- Decisions and processes free from bias;
- All parties having the right to be heard;
- The right of the respondent to know of what s/he is accused; and,
- All parties being informed of the decision and the reasons for the decision.

**Complainant/s:** The person or persons making the complaint.

**Respondent/s:** The person or persons about whom the complaint has been made.

### Principles

The following principles should be adhered to following a complaint:

- **Confidentiality** - Only those directly involved in handling the complaint or appeal should have access to information on the complaint;
- **Access and transparency** – information about how and where to lodge a complaint/appeal is easily accessible;
- **Impartiality** - No decisions or judgments will be made until all information has been impartially considered by those responsible for handling the complaint;
- **Respect** - Those responsible for handling the complaint must be sensitive to the needs of those directly involved and to those who may be affected by the grievance; and,
- **Prompt Action** - All complaints must be dealt with promptly and a response to a complaint must be received within 7 days from the date the complaint is received.

### Policy

Wyndham CEC creates an environment where views are valued and feedback actively sought.

All students, clients, staff and volunteers will be informed of complaints and appeals handling mechanisms and general feedback mechanisms at enrolment and/or induction.

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Students, clients, staff and volunteers are issued with a copy of the policy in either soft or hard copy. The policy can be accessed in several ways: via the website; from the main office at 3 Princes Hwy; or from the Synnot Street training venue.

A student, client, staff or volunteer who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy and its accompanying procedures, without prejudice or fear of reprisal or victimisation. They have the right to present the complaint or appeal formally, as well as in writing.

Verbal complaints will be accepted where the Complainant makes it clear that they are making a formal complaint and not giving general feedback. Wyndham CEC recognises that critical comment and response are an important part of the collective endeavor to improve the quality of educational programs and community strengthening activities, and such feedback would not normally be viewed as a complaint unless specific action was requested.

Wyndham CEC will manage all complaints and appeals as fairly, effectively and efficiently as possible. Wyndham CEC will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Wyndham CEC will take action to deal with identified causes of complaints and appeals and will then monitor and improve systems and operations if and as required. Where a complaint or appeal cannot be resolved through discussion and/or conciliation, Wyndham CEC acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.

Confidentiality will be maintained throughout the process of making and resolving complaints. Wyndham CEC seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning or work environment as soon as possible.

The Board of Governance (Board) is also guided by the grievance processes outlined in Wyndham CEC's Rules of Association.

### **Rights and Responsibilities**

- Wyndham CEC is committed to child safety principles (see Child Safe Policy & Procedure);
- Complainants have the right to have complaints and appeals resolved promptly, to have their privacy respected and to be kept informed of the progress of the complaint;
- Complainants are entitled to be represented at all stages by an advocate of their choice;
- All parties should participate in the complaint resolution process in good faith and cooperate fully in any investigation process;

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- Complainants should avoid complaining about the same matter to several different individuals at the same time which may affect the quality of the process;
- Complainants should avoid making complaints or counter-complaints with a mischievous or malicious intent;
- Serious allegations will be addressed within 24 hours, and if a serious complaint involves a Board member/staff member, that Board member/staff member will not have contact with the complainant involved; and,
- If criminal conduct has been alleged, the matter will be referred to the Police.

### Records

In general it is expected that complaints will be made to the CEO, a Manager or a Coordinator or directly to the Board. All complaints and any subsequent actions taken or appeals made, must be recorded on a *Complaint Action Record* form. All documentation relating to complaints will be kept strictly confidential and will not be accessible to anyone who is not directly involved in handling the complaint. Records will be kept in the *Complaint Register* located in the CEO's office at 3 Princes Hwy, Werribee 3030.

### Outcomes

Complainants will receive advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and outcomes will be applied consistently across the organisation. Some of the possible outcomes of a complaint could include (but are not limited to):

- increased understanding of the situation is reached so that concerns are addressed;
- improvement to Wyndham CEC's operational practices and/or systems;
- mutually acceptable resolution is reached through conciliation or mediation;
- an apology is received, and/or the issue or behavior that was the basis of the complaint is modified;
- Where the respondent is a staff member, formal disciplinary action may be taken in line with the appropriate industrial instrument; and,
- In some cases, where the complaint cannot be substantiated, no further action will result.

The CEO will keep the President of the Board informed throughout the process as required. In the event that the complaint involves the President, another executive member/ office bearer will be informed.

**Note: This policy must be implemented in conjunction with the Procedure(s) and Forms that follow.**

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### **Procedure for handling complaints and appeals by Students**

If a student has a complaint or appeal, the following steps are to be followed:

1. The complainant should discuss the issue / complaint / appeal with the person involved to try and resolve it verbally.
2. If no resolution is reached, the student should discuss the issue / complaint / appeal with his or her teacher / trainer to see if it can be resolved.
3. If following step 2 there is no resolution, the student can choose to complete a complaint (or appeal) form in writing.
4. The student should bring the complaint/appeal to the attention of the trainer/teacher or a training manager within seven (7) days or as soon as possible after the issue has taken place.
5. If the complaint or appeal is not dealt with to the student's satisfaction within a seven (7) day period after being formally lodged, s/he may bring it to the attention of the CEO or Board. The CEO will either deal with the issue directly or arrange for it to be dealt with by someone from the management team. This process must commence within 48 hours from the time the CEO receives written notification from the student about their dissatisfaction to the response received from their teacher / trainer and a response / resolution must be presented within 7 days.
6. Should the issue still not be resolved to the student's satisfaction, Wyndham CEC will make arrangements for an independent external person to resolve the issue. The student will be given the opportunity to formally present his or her case. The time frame for this process may vary but should take no longer than 14 days.
7. If a student from the Training Services Unit is still not happy with external mediation, he / she may take the complaint to the State Training Authority: the Complaints Unit of the Victorian Registration and Qualifications Authority (VRQA).
8. If a student from the Training Services Unit is not satisfied with the outcome of their complaint and/or appeal, they can contact the VRQA in one of the following ways:

**Tel: 96372806**

**Fax: 90321579**

**Postal: GPO Box 2317, Melbourne Vic 3001**

Complaints to the VRQA must be made in writing. You can make a complaint by doing ONE of the following:

- Complete the online complaint form
- Fill out the printable complaint form and post or fax it to the VRQA
- Write a letter and post or fax to the VRQA

If for reason of disability you cannot make a complaint in writing, you can make a complaint by phone or in person.

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Or contact:

### **Department of Education & Training**

- Download the Department's complaint form, available at <http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx>; and
- Return the completed form to the following email address [vtg.feedback@edumail.vic.gov.au](mailto:vtg.feedback@edumail.vic.gov.au); or
- Alternatively you can post the completed complaint form to:  
Deputy Secretary, Higher Education and Skills Group  
c/- Executive Director, Training Market Operations  
GPO Box 4367  
Melbourne, Victoria 3001

If you are not able to download the complaint form, you can email

- [vtg.feedback@edumail.vic.gov.au](mailto:vtg.feedback@edumail.vic.gov.au) to request a form to be sent to you.

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### **Procedure for handling complaints and appeals by a Settlement Services Client**

If a Settlement Services client has a complaint or appeal regarding Wyndham CEC's Settlement Services, the following steps are to be followed:

1. The complainant should discuss the issue / complaint / appeal with the person involved to try and resolve it verbally.
2. If no resolution is reached, the client should discuss the issue / complaint / appeal with the Settlement Services Coordinator or Community Strengthening Manager to see if it can be resolved.
3. If following Step 2 there is no resolution, the client can choose to complete a complaint (or appeal) form in writing.
4. The client should bring the complaint (or appeal) to the attention of the Settlement Services Coordinator or Community Strengthening Manager within seven (7) days or as soon as possible after the issue has taken place.
5. If the complaint (or appeal) is not dealt with to the client's satisfaction within the seven (7) day period after being formally lodged, it may be brought to the attention of the CEO or the Board. The CEO will either deal with the issue directly or arrange for it to be dealt with by a member of the management team as appropriate. This process must commence within 48 hours from the time the CEO receives written notification from the client about their dissatisfaction to the response received from the Settlement Services Coordinator or Community Strengthening Manager. A response / resolution must be presented within 7 days.
6. Should the issue still not be satisfactorily resolved, Wyndham CEC will make arrangements for an independent external person to mediate the issue. The client will be given the opportunity to formally present a case. The time frame for this process may vary but should take no longer than 14 days.

### **Procedure for handling complaints and appeals by Staff/Volunteer**

If a staff member or volunteer has a complaint or appeal, the following steps are to be followed:

1. The complainant should discuss the issue / complaint / appeal with the person involved to try and resolve it verbally.
2. If no resolution is reached, the staff member / volunteer should discuss the issue / complaint / appeal with his / her Coordinator or Manager to see if it can be resolved.
3. If following step 2 there is no resolution, the staff member / volunteer can choose to complete a complaint or appeal form in writing.
4. The staff member / volunteer should bring the complaint or appeal to the attention of their Coordinator or Manager within seven (7) days or as soon as possible after the issue has taken place.

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5. If the complaint / appeal is not dealt with to the staff member / volunteer's satisfaction within the seven (7) day period after being formally lodged, it may be brought to the attention of the CEO or the Board. The CEO will either deal with the issue directly or arrange for it to be dealt with by a member of the management team as appropriate. This process must commence within 48 hours from the time the CEO receives written notification from the staff member / volunteer about their dissatisfaction to the response received from their direct line supervisor. A response / resolution must be presented within 7 days.
6. Should the issue still not be satisfactorily resolved, Wyndham CEC will make arrangements for an independent external person to mediate the issue. The staff member / volunteer will be given the opportunity to formally present a case. The time frame for this process may vary but should take no longer than 14 days.



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**COMPLAINT FORM**

**By filling in this form you will be lodging a formal complaint.**

Wyndham Community and Education Centre Inc. (Wyndham CEC) deals with complaints in accordance with the requirements of the Information Privacy Act 2000 (Vic) and/or the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) and treats all complaints as confidential.

We thank you for taking the time to notify us of your concern. We value your feedback and hope to be able to resolve your complaint as soon as possible.

A reply will be forwarded to you within 7 days.

Date: \_\_\_\_\_

Verbal

Written

Name: \_\_\_\_\_

Received by: \_\_\_\_\_

Please detail your concern in full, giving as much detail as possible, include extra pages if necessary.

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Signature: \_\_\_\_\_

**WE WILL BE IN CONTACT WITHIN 7 DAYS  
THANK YOU**

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**COMPLAINT ACTION RECORD**

Received by: \_\_\_\_\_ Complaint Number Issued: \_\_\_\_\_

Date: \_\_\_\_\_ Given to: \_\_\_\_\_

Date response issued: \_\_\_\_\_ Follow up date: \_\_\_\_\_

Supporting documentation (Please attach):                      Yes                       No

Action Taken:

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Outcome:

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Specify improvement possible based on complaint:

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Comments / further follow up:

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**APPEAL FORM**

**By filing in this form you are requesting to appeal a judgment made against you.**

This form serves to begin the appeal process in relation to a judgment that has been made against you. This Form must be lodged to the CEO within 7 days of you receiving a judgment.

A written response will be issued to you within 7 days.

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Contact Number(s): \_\_\_\_\_

Please state in full, your reason for an appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

**WE WILL BE IN CONTACT WITHIN 7 DAYS**

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***OFFICE USE ONLY***

Received by: \_\_\_\_\_ Appeal Number Issued: \_\_\_\_\_

Date: \_\_\_\_\_ Given to: \_\_\_\_\_

Action Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date issued: \_\_\_\_\_ Follow up date: \_\_\_\_\_

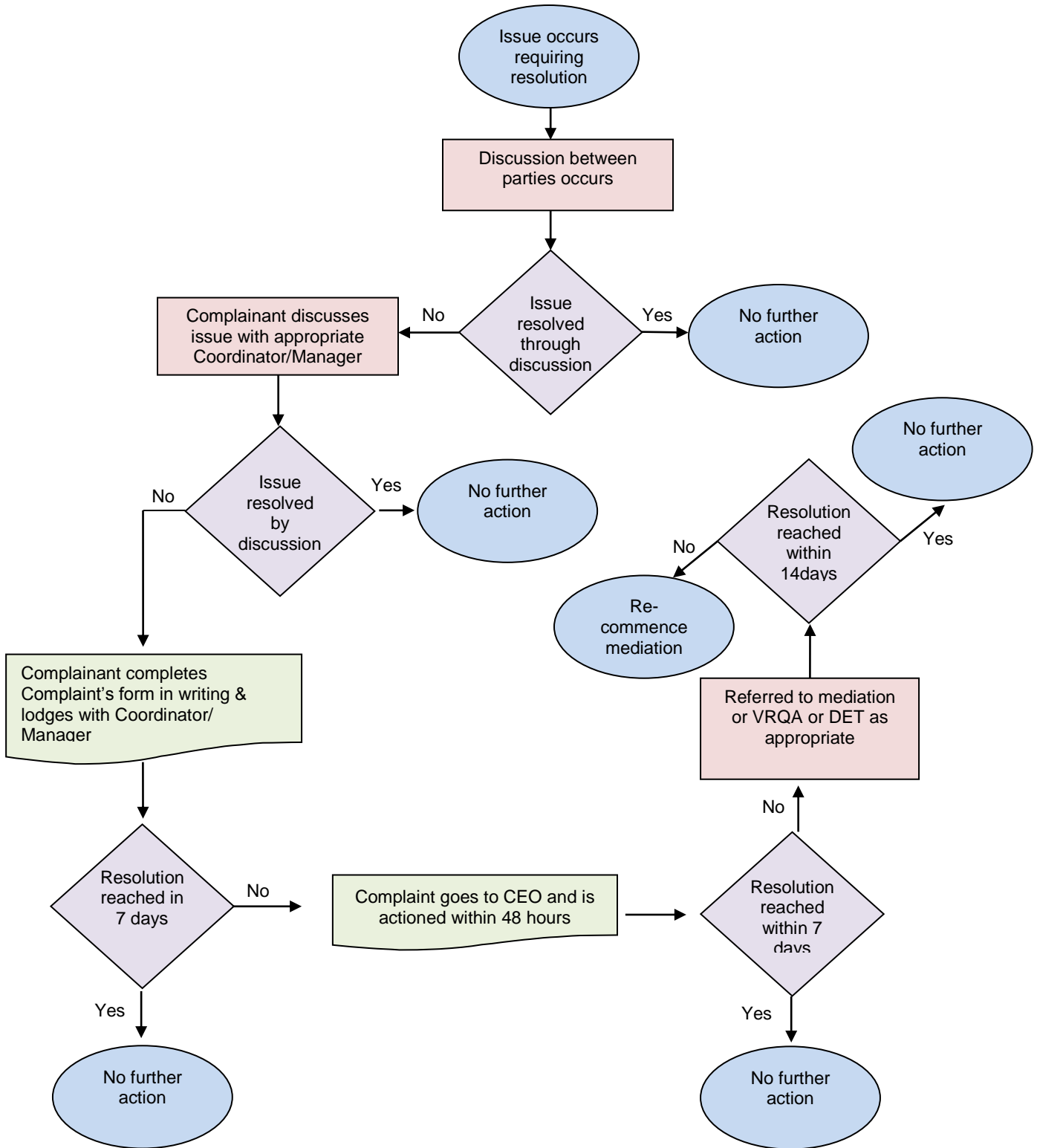
Specify improvement possible based on complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(This document forms part of the Complaints and Appeals Policy & Procedure)*

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Key: start or finish activity with documents activity decision

## Process for dealing with Complaints/Appeals from Students



This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 27/01/17 and supersedes all previous versions.

Version: 2017v1

Document number: 321

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