

Wyndham Community and Education Centre Inc Policy and Procedure

Policy name	Complaints and Appeals Policy & Procedure (includes management of compliments received)
Responsible person	CEO, President
Staff involved	Chief Operating Officer, Chief Financial Managers and Coordinators
Review dates	2021
Related documents	<p>Legislation: Education and Training Reform Act 2006 (Vic), Education and Training Reform Regulations 2017 (Vic), Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Ombudsman Act 1973 (Vic), Freedom of Information Act 1972 (Vic), Privacy Act 1988 (Cth), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Disability Regulations 2018, Equal Opportunity Act 2010 (Vic), Multicultural Victoria Act 2011 (Vic), Occupational Health and Safety Act 2004 (Vic), Public Records Act 1973 (Vic), Racial and Religious Tolerance Act 2001 (Vic), Working with Children Act 2005 (Vic), Children, Youth and Families Act 2005 (Vic), Child Wellbeing & Safety Act 2005 (Vic), Racial Discrimination Act 1975 (Cth), Commission for Children & Young People Act 2012 (Vic), Associations Incorporation Reform Act 2012 (Vic), Competition and Consumer Act 2010 schedule 2, Vol 3 (Cth).</p> <p>Policies: Access & Equity Policy, Conflict Resolution Policy & Procedure, OH&S Policy and Procedure, Privacy Policy & Procedure (students & clients) Mandatory Reporting & Failure to Disclose Policy & Procedure, Child Safe Policy & Procedure, Delivery & Assessment (Foundation Skills) Policy & Procedure, Delivery & Assessment (VET) Policy & Procedure, VCAL Assessment Policy & Procedure, VCAL Student Selection, Enrolment, Induction and Delivery Policy & Procedure, Recognition of Prior Learning and Recognition of Current Competencies Policy & Procedure, Recognition of Qualifications issued by other RTOs Policy & Procedure, Special Consideration Policy & Procedure, Plagiarism, Cheating & Collusion Policy & Procedure</p> <p>Other: Complaint Form, Complaint Action Record, Appeal Form, Complaint's Register, Compliments Register, Rules of Association, AQTF Essential Conditions and Standards for Continuing Registration, Victorian VET Funding Contract (Skills First Program), Skills First Quality Charter, Codes of Conduct, Victorian Child Safe Standards, Establishing and Applying Decisions for Satisfactory Completion (including Delay of Satisfactory Completion and Reasonable Adjustment in Assessment) Procedure, Minimum Standards for</p>

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/01/20 and supersedes all previous versions.

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registration to provide an accredited senior secondary course. VRQA Guidelines for VET Providers
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Policy Context

This policy applies to all students and clients of Wyndham Community and Education Centre Inc (Wyndham CEC). Wyndham CEC acknowledges that students and clients 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 appeals and has developed and implemented a process for handling complaints efficiently.

Wyndham CEC recognises that critical comment and response are an important part of the collective endeavor to improve the quality of programs and services and such feedback would not normally be viewed as a complaint unless specific action is requested. Both compliments and complaints can provide valuable feedback about satisfaction with services that Wyndham CEC provides and can help to influence improvements or endorse/ praise current practices.

Scope of Policy

This policy and embedded procedures cover feedback, including compliments and complaints, made to Wyndham CEC by students or clients about funded or contracted programs and services whether fee-paying or not.

Definitions

Compliments are expressions of praise, encouragement or thanks about services and activities delivered by Wyndham CEC to communities.

Complaints include any written complaint, grievance or dissatisfaction made by a student or client accessing a funded or contracted program or service at Wyndham CEC. This includes a student formally requesting a review of an assessment decision.

Appeals can be made when a student or client, is not satisfied with a decision that Wyndham CEC has made in relation to a written complaint lodged by them.

Natural Justice or procedural fairness is concerned with ensuring the person against whom an allegation or complaint has been made is afforded procedural fairness in relation to:

- Decisions and processes free from bias and based on sound evidence;
- The right of the respondent to know of what s/he is accused and the evidence forming the basis of the allegation;

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- All parties having the right to be heard and respond to allegations before a decision is made; and,
- In the event of a decision/ finding re the allegation, being informed of the decision and the reasons for the decision.

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

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

Complaint Register: the record kept by the CEO of all formal written complaints received.

Compliment Register: the record kept by the CEO of all written compliments received.

Principles

The following principles should be adhered to following a complaint:

- **Confidentiality** – Wyndham CEC will treat complaints confidentially and maintain the anonymity of the complainant where possible and where requested, except where the law otherwise requires. Wyndham CEC will comply with the Privacy and Data Protection Act 2014 (Vic) in relation to use of personal information;
- **Access and transparency** – information about how and where to lodge a complaint/appeal is easily accessible and made available;
- **Impartiality/ fairness** - 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/ allegation; and,
- **Prompt Action** - All complaints will be dealt with as per the timeframes in this policy and procedure.

Policy

Wyndham CEC creates an environment where views are valued and constructive feedback welcomed.

Students and clients will be informed of Wyndham CEC's complaints and appeals handling mechanism as well as general feedback mechanisms at enrolment and/or induction.

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Students and clients are issued with a hard copy of the policy at enrolment or employment. The policy can also be accessed in several ways: via the website; offices of 20 Synnot Street and 4 Synnot Street, Werribee.

A student or client, 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. Resolving complaints at the earliest opportunity and in a way that respects the person's feedback, is important to preventing any further escalation.

A complaint should be made and lodged in writing within 6 months of the date of the circumstances giving rise to the complaint. In the case of a complaint about a training course that has finished, a complaint should be made and lodged in writing, within 6 months after completion of the course. Any legislation which creates complaint rights after this date may, at Wyndham CEC's discretion, be dealt with under this policy as allowed, or as per the requirements of the relevant legislation.

Wyndham CEC will take into account the specific needs of individuals who experience barriers to making a written complaint. In some instances for example, a formal verbal complaint may be considered where English language / literacy is a major barrier.

Wyndham CEC will manage all complaints and appeals as fairly, effectively and efficiently as possible and to the level warranted by the complaint/ allegation. Wyndham CEC will encourage the parties to approach the complaint 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 there may be a need for an appropriate external and independent person to mediate between the parties. In this event, the parties will be given the opportunity to formally present their case to the independent person.

As far as practicable, 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. In some cases, the person or body against whom a complaint has been lodged will be able to identify the complainant from the substance and/ or the circumstances described in the complaint. In other cases, the complainant's identity will need to be disclosed to allow them the opportunity to respond to any allegations. In such instances, Wyndham CEC will advise the complainant that it may not be practicable to maintain confidentiality prior to taking any action.

The Board of Governance (Board) is also guided by the grievance processes outlined in Wyndham CEC's Rules of Association and will need to be involved in any complaints/ allegations against the CEO.

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Rights and Responsibilities

- Wyndham CEC is committed to child safety principles and has a zero tolerance approach to child abuse. Any allegations in relation to child safety will be investigated according to the requirements of the legislation and/ or Wyndham CEC's Child safe and Mandatory Reporting/ Failure to Disclose policies & procedures.
- Complainants have the right to have complaints and appeals resolved promptly as per principles above;
- All parties should participate in the complaint resolution process in good faith and cooperate fully in any investigation process;
- 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; and,
- If criminal conduct has been alleged, the matter will be referred to the Police.

In general it is expected that written complaints will be brought to the attention of the CEO or a senior Manager (COO & CFO) by a Manager/ Coordinator (see procedures below for steps).

All complaints and any subsequent actions taken, or appeals made, must be recorded on a *Complaint Action Record* form. This form should be completed within one working day of receiving a written complaint and issued to the relevant person as per procedures below. All-records in relation to a written complaint will be kept in the *Complaint Register* located in the CEO's office at 20 Synnot St, Werribee 3030.

Complainants will receive advice of the outcome of their complaint as per procedures below. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and will be applied consistently across the organisation.

Some possible outcomes of a complaint could include (but are not limited to):

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

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- Wyndham CEC may decline to investigate, if the complaint is frivolous, vexatious, misconceived or lacking in substance.

Depending on the seriousness of the complaint, the CEO (or delegate) will keep the President and/or executive of the Board informed throughout the process.

Procedure for handling complaints and appeals by Students

If a student has a complaint, (this includes a student formally requesting a review of an assessment decision) the following steps are to be followed as appropriate:

1. Depending on the level of severity of a complaint, a complainant should discuss an issue/complaint directly with the person involved to try to resolve it verbally, particularly in the case of a low level, non-complex issue that could be resolved in this way. First point of contact complaint resolution by frontline service staff should occur where possible on the same working day it is received/ staff made aware of an issue. An example could be a difference of opinion between two students in a classroom where the teacher is able to resolve it on the spot.
2. If no resolution is reached at step one, the teacher/ trainer may decide to involve the relevant Coordinator in the interest of a resolution. If the complaint involves the teacher or trainer, the relevant Coordinator and/ or Manager should be involved and lead the investigation/ resolution.
3. If following step 2 there is no resolution, the student can choose to complete a complaint form in writing to formalise the complaint/ allegation (appendix one).
4. Once a student complains in writing, the complaint or appeal should immediately be brought to the attention of the relevant Coordinator or Manager.
5. All complaints received by a Manager should be brought to the attention of their relevant senior manager as soon as possible. The CEO/ senior manager will then deal with the written complaint directly. This process must commence within 48 hours from the time written notification is received and a response must be provided within 7 days.
6. A student may appeal a response. A request for an appeal must also be made in writing (appendix three).
7. Following a response to a complaint, or in the event of an appeal process, where a complaint is still not resolved to the student's satisfaction, Wyndham CEC may make arrangements for an independent external person to be involved to resolve the issue. The student will be given the opportunity to formally present a case. The time frame for this process may vary but external arrangements should take no longer than 28 days.
8. If a student from the Training Services Unit is still not happy following external mediation, the student may take the complaint to the State Training Authority: the Complaints Unit of the Victorian Registration and Qualifications Authority (VRQA).

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9. 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

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.

Procedure for handling complaints and appeals by Clients

If a client has a regarding Wyndham CEC's Settlement Services or other Community programs or projects, the following steps are to be followed:

1. Depending on the level of severity of a complaint, the complainant should discuss the issue/complaint directly with the person involved to try and resolve it. Cases of low level, non-complex complaints may be resolved in this way. Issues of such nature should be addressed on the same working day a staff member is made aware of an issue.
2. If no resolution is reached at step one, the client should discuss the issue/complaint with the Settlement Services Coordinator or Community Strengthening Manager (CSM)/ Projects Manager (as relevant) to see if it can be resolved promptly.
3. If following step 2 there is no resolution, the client can choose to complete a complaint form in writing to formalise the complaint/ allegation (appendix one).
4. Once a client complains in writing, the complaint or appeal should be brought to the attention of the relevant manager within seven (7) days or as soon as possible after it has been received.
5. All complaints received by the CSM or Projects Manager should be brought to the attention of the Chief Operating officer (COO) who will then deal with the written complaint. This process must commence within 48 hours from the time written notification is received and a further response/resolution must be presented within 7 days.
6. A client may appeal a response. A request for an appeal must also be made in writing (see appendix three).
7. Should the issue still not be satisfactorily resolved, Wyndham CEC will make arrangements for an independent external person to mediate the issue. The client

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will be given the opportunity to formally present a case. The time frame for this process may vary but external arrangements should take no longer than 28 days.

Appendix one 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 Data Protection Act 2014 (Vic) and/ or the Privacy Act 1988 (Cth) and treats all complaints confidentially unless required to act differently under the law or according to the principles of natural justice and fairness.

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: _____

Name of complainant: _____

Received by: _____

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

Signature: _____

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

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

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Appendix two

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:

Outcome:

Specify improvement possible based on complaint, if applicable:

Comments/any further follow up:

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

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Appendix three

APPEAL FORM

By filing in this form you are requesting to appeal a judgment made in response to a complaint.

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

A written response will be issued to you within 7 days of receiving the appeal request.

Date: _____ Name: _____

Contact Number(s): _____

Please state in full, your reason for an appeal:

Signature: _____

WE WILL BE IN CONTACT WITHIN 7 DAYS



OFFICE USE ONLY

Received by: _____ Appeal Number Issued: _____

Date: _____ Given

to: _____

Action Taken: _____

Date issued: _____ Follow up date: _____

Specify improvement possible based on complaint/appeal: _____

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