

## Purpose

This policy and procedure is intended to provide clear and practical guidelines to ensure that any complaint or appeal against a decision affecting both domestic and International students can be resolved in accordance with the principles of natural justice, equitably and efficiently.

## Policy

VFA Learning is committed to providing its clients, students and staff with a complaints and appeals process that is transparent, fair and easily accessed and that enables a student or other key stakeholder to transparently progress a complaint or appeal. A complaint or appeal may be in relation to an academic or a non-academic matter.

Academic matters include those matters which relate to:

- student progress,
- trainer/assessor competence
- assessment decisions,
- course content, or
- awards in a Vocational Education and Training (VET) course of study.

Non-academic matters include those which relate to:

- enrolment in a course, or
- personal information held by the provider.

*VFA Learning will maintain the student's enrolment (if applicable) while the complaints and appeals process is ongoing. Students should also be assured that all complaints and appeal are handled in the strictest of confidentiality, however if required by a government department, agency and/or their representative, VFA Learning may be required by law to provide the details of any complaint or appeal to the requesting officer.*

General principles applying to all stages of this policy and procedure which are strictly adhered to by VFA Learning staff are:

- the Complainant/Appellant and respondent will have the opportunity to present their case at each stage of the procedure;
- the Complainant/Appellant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire;
- the Complainant/Appellant and the respondent will not be discriminated against or victimised;
- at all stages of the process, discussions relating to complaints and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant/Appellant and to the respondent if requested by the respondent;
- all complaints and appeals received will be recorded in the VFA Learning Complaints and Appeals Register and considered for opportunities of continuous improvement
- all paper-based records of complaints and appeals will be kept for a period of five years. These records will be scanned and securely stored on VFA Learning's server. In the case of any complaints/appeals raised through the VFA Learning online feedback ticketing system, these files are maintained on a remote, secure server maintained by Freshdesk.
- A Complainant/Appellant shall have access to this complaints and appeals procedure at no cost.

## Procedure (Pre-enrolment / Stakeholders)

VFA Learning's Complaints And Appeals Policy and Procedure is available on the VFA Learning website and in the Student Handbook (issued prior to enrolment).

All staff, regardless of their role within the organisation, are made aware of the steps in the process and their own responsibilities in relation to this process. Home Room Teachers understand their responsibility in relation to pastoral care as many potential *formal* complaints can be resolved very easily and quickly through appropriate action and care early. However, all complaints, whether informal or formal, will be recorded in the VFA Learning Complaints and Appeals Register.

Complainants are entitled to access the Complaints and Feedback Form regardless of the location of the campus at which the complaint has arisen, the complainant's place of residence or mode of study (if applicable).

The Complainant should complete the form, ensuring that all mandatory fields are addressed, and scan a copy to the nominated VFA Learning Complaints Registrar at [privacy@vfalearning.vic.edu.au](mailto:privacy@vfalearning.vic.edu.au). If scanning facilities are not available, the Complainant may mail the completed form to:

Attention: The Complaints Registrar  
VFA Learning  
78 Yarra St  
Geelong VIC 3220

VFA Learning is proactive in implementing processes, gathering feedback, followed by action through continuous improvement, and discussion at meetings, which assist in reducing the number of complaints. All stakeholders have the opportunity to provide feedback. VFA Learning welcomes any feedback, both positive and negative, that may improve the services delivered at VFA Learning.

## Procedure (Students/Staff)

VFA Learning's Complaints and Appeals Policy and Procedure is available to all students and staff on VFA Learning's Learning Management System (LMS), or via the VFA Learning website .

Any Student or member of staff wishing to raise an issue via the LMS should:

- Click on the Feedback, Complaint or Assessment Appeal button
- Read the accompanying information regarding providing feedback or making a complaint or lodging an appeal
- Watch the accompanying video on "How to give us feedback or lodge a complaint"
- Complete the online feedback/complaint form and submit as instructed

Once submitted, complainants/appellants will receive confirmation that their issue has been raised and that they will receive a formal response within 48 hours. The Complaints Registrar will be responsible for:

- Assigning a priority to the feedback/complaint based upon risk to the business
- Entering the complaint into the Complaints and Appeals Register
- Entering details into the Continuous Improvement Register (if applicable)
- Formally acknowledging receipt of the complaint within 48 hours of submission
- Allocating an appropriate staff member of VFA Learning to investigate the complaint
- Following up on the progress of the complaint's resolution

VFA Learning staff members are encouraged to provide their own feedback through the LMS, as well as being involved in assisting students to use the online complaints system.

## Privacy and Security

Students are guaranteed that the details of all complaints/appeals are maintained in a manner which assures their privacy at all times. However, if required by a government department, agency and/or their representative, VFA Learning may be required by law to provide the details of any complaint or grievance to the requesting officer.

All paper-based documentation regarding complaints/appeals are scanned and saved to a folder on the VFA Learning server, which is password protected and only accessible by the VFA Learning staff members directly involved in the complaint/appeal.

Students and other stakeholders directly involved in a complaint or appeal will be provided with copies of all undertakings employed to resolve the issue.

## Informal Complaints

Informal complaints are usually minor disputes or difficulties that (in most cases) could *reasonably* be expected to be resolved without an independent assessment or assistance. These are defined by VFA Learning as an informal complaint

- The student will be encouraged to resolve the problem directly with their Home Room Teacher or Trainer. Students will be made aware of whom their Home Room Teacher is at the start of the course as well as the homeroom trainer's responsibilities.
- All complaints will be taken seriously by the Home Room Teacher/ Trainer. Remember that all individuals think differently and have varying levels of sensitivity and values.
- If the Home Room Teacher/Trainer feels that the issue is above their understanding, skill set or outside their comfort zone (or, indeed, is made against themselves) they will need to involve the Academic Co-ordinator in the first instance and the Academy Manager if the complaint is about the Co-ordinator
- It is important the Home Room Teacher/Trainer establishes a timeline in relation to when a decision/action will be taken in relation to the complaint.
- The length of time to remedy an issue will often vary depending upon the issue. However, all staff need to attempt to resolve issues as quickly as possible to prevent the complaint from escalating.
- The complaint, although informal, **must be documented** using either the VFA Learning Complaints or Appeals Form (available on the VFA Learning website) or completion of the online Complaints/Feedback form in the VFA Learning LMS.
- All informal complaints must be logged in the Complaints and Appeals Register.
- If the issue is more serious, the complaint may go straight to Stage Two (below).

At all times, the complainant is encouraged to resolve the problem directly between the parties involved. Home Room Teachers have been designated to the class to provide pastoral care and students are encouraged to use them for support. Most issues can be remedied at this level.

### Example

- *You may wish to complain to your trainer about a student in the back row who is using offensive language. You would expect this issue to be resolved straight after class or during the next suitable break by the trainer speaking to the student.*
- *You have emailed a trainer three times about assessment work or learning resources and have not heard back. In this case, you may wish to make an informal complaint with your Home Room Teacher. You can expect the Home Room Teacher to establish how and when you will receive the resources, you are requesting.*

## *Formal Complaints*

### **Stage One**

A formal complaint can be submitted in writing to the Complaints Registrar, VFA Learning, 78 Yarra St, Geelong, 3220 using either the VFA Learning Complaints and Appeals Form (available on the VFA Learning website), or completion of the online Complaints and Feedback Form in the VFA Learning LMS or documented in any other written form. The complaint should outline when and where the incident occurred, a brief outline of the incident, any witnesses, what the complainant is expecting as part of the resolution and include copies of any supporting documentation.

The complaint/appeal will be recorded into the VFA Learning's Complaints and Appeals Register and assigned to the relevant VFA Learning staff member to resolve. Details to be recorded must include:

- Individual Complaint or Appeal number for reference purposes
- Full name of complainant
- Type of issue, e.g. Informal complaint, formal complaint or appeal
- Date received
- Full details of the complaint, including expected outcomes
- The VFA Learning Academy involved
- A Risk Rating to determine the possible impact on VFA Learning and prioritise the issue/complaint
- The Root Cause of the complaint to prevent future occurrences
- Full details of the corrective action or otherwise undertaken to resolve the issue
- Details of whom the complaint has been assigned to for resolution
- Whether or not the issue has been resolved to the satisfaction of all parties, or has been escalated for further investigation
- The date the issue was resolved or escalated
- The time taken to resolve the complaint
- Whether further action is required or not, including notes on what further action is to be undertaken

The complaint will be formally acknowledged in writing within 48 hours of receipt and VFA Learning's investigation process will commence no later than 10 days after submission. Should a complaint or appeal be expected to take longer than 60 days to resolve, VFA Learning will notify the Complainant when acknowledging the complaint and of its commitment to provide regular progress reports.

The allocated member of VFA Learning Staff will then assess the complaint or appeal and determine the outcome, and advise the Complainant in writing of their decision, including the reasons for the decision, within 14 days.

During this stage of the procedure, each party has the option to be accompanied or assisted by another person, at that party's cost.

The Complainant will be advised of their right to access Stage Two of this procedure if they are not satisfied with the outcome of Stage One.

### **Stage Two**

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with the Complaints Registrar, VFA Learning, 78 Yarra Street, Geelong, 3220.

The complaint and suggested resolution will be reviewed and determined by the Director of Quality at VFA Learning. *Note: where a complaint is made directly involving the Director of Quality, the CEO will appoint a suitable, independent, senior staff member to assess the complaint and determine the outcome.*

The Reviewer will conduct all necessary consultations with the Complainant and other relevant persons and make a determination within 15 business days of receiving the complaint. The Complainant will be advised in writing of the outcome, including the reasons for the decision, within 14 days.

During this stage of the procedure, each party has the option to be accompanied or assisted by another person, at that party's cost.

The Complainant will be advised of their right to progress to Stage Three of the complaints' procedure if they consider the matter unresolved.

### Stage Three

If the Complainant is not satisfied with the outcome of Stage Two they may request that the matter be referred to an external dispute resolution process by a body appointed for this purpose by VFA Learning. In accordance with Commonwealth departmental advice, the external body used for this stage is the Resolution Institute.

Within 15 working days, VFA Learning will organise for the resolution meeting at a time and venue suitable to all parties. Each party is to be accompanied or assisted by another person at the review, at the party's cost.

The decision of the Resolution Institute is final and VFA Learning will both inform the Complainant as well as act on this decision within 14 working days of receipt of the decision, allowing for due consideration of recommendations arising from the external stage.

*NOTE: In accordance with Commonwealth departmental advice, the external body used at this stage for students under the VET Student Loan Scheme (if applicable) is the Vet Student Loans Ombudsman and is available at [www.ombudsman.gov.au/VSLO](http://www.ombudsman.gov.au/VSLO)*

In the event that the complainant (as an individual or organisation) is unhappy with the response to a complaint lodged with the RTO - and have exhausted the review process offered by the RTO - a complaint can be lodged with a number of external complaint investigation agencies.

These entities include:

<b>Consumer Affairs Victoria</b>	<a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>
<b>Office of the Small Business Commissioner</b>	<a href="http://www.vsbcc.vic.gov.au">www.vsbcc.vic.gov.au</a>
<b>Privacy Victoria</b>	<a href="http://www.privacy.vic.gov.au">www.privacy.vic.gov.au</a>
<b>Victorian Civil &amp; Administrative Tribunal (VCAT)</b>	<a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a>

*Each organisation has its own specific criteria over the type of complaints investigated.*

## Appeals

The VFA Learning appeals process is concerned with a student's right to request a change to decisions or processes of an official nature, usually in relation to academic or procedural matters (e.g. assessment results or certificate issuance).

In the case of a student's appeal against specific assessment decisions, the student should first discuss the decision(s) with the relevant assessor and request a reconsideration. The assessor will hear the student's appeal, make a fair judgement to the best of their ability as to whether the change(s) are required and then discuss their final decision with the student.

If the student is still dissatisfied with the assessor's decision, they have the right to take the appeal to the formal stage and to address the appeal to the Academic Co-ordinator at their home campus

The formal notice of a request for an assessment appeal (the notice) is required to comply with the following requirements:

- The notice should be in writing, addressed to VFA Learning's Academic Co-ordinator and submitted within 14 days of notification of the outcome by the assessor.
- The notice must outline the qualification code and name as well as the code(s) and name(s) of the units which the student is seeking a review, together with an outline of their concerns as well as expected outcome.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 14 days otherwise the original result will stand.

If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to management. The notice of deferral must be submitted within five (5) working days of the conclusion date displayed on the medical certificate.

## Appealing Cancellation of Enrolment

A student under has the right to appeal the decision made by VFA Learning to cancel their enrolment. The Intent to cancel enrolment letter sent by VFA Learning, provides our students with details of how to lodge an appeal. Students can lodge the appeal up to and including the 27<sup>th</sup> day from the date on the letter.

The formal notice of a request for an enrolment appeal (the notice) is required to comply with the following requirements:

- The Complaints and Appeals Form should be completed and sent to The Complaints Registrar as per the form details within 48 hours of receiving the letter of intent to cancel enrolment.
- The appeal must outline the reasons why VFA Learning should not cancel the student's enrolment and what the student will do to ensure engagement in their studies.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 48 hours, otherwise the cancellation will go ahead.

## Student Enrolment Status

The enrolment status of a student during a complaint or appeal is as follows:

- For domestic students that choose to access this policy and procedure, VFA Learning will maintain the student's enrolment while the complaints and appeals process is ongoing.
- For international students, VFA Learning will maintain a student's enrolment throughout the internal appeals processes without notifying DET via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether VFA Learning maintains the student's enrolment as follows:
  - If the appeal is against VFA Learning's decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported VFA Learning's decision to report.
  - If the appeal is against VFA Learning's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, VFA Learning will notify the Department of Education and Training via PRISMS of a change to enrolment after the outcome of the internal appeals process

The appellant will be formally acknowledged in writing within 48 hours of receipt and VFA Learning's investigation process will commence no later than 10 days after submission. Should an appeal be expected to take longer than 60 days to resolve, VFA Learning will notify the Appellant when acknowledging the appeal and also of its commitment to provide regular progress reports.

The allocated member of VFA Learning Staff will then assess the appeal and determine the outcome, and advise the Appellant in writing of their decision, including the reasons for the decision, within 14 days.

During this stage of the procedure, each party has the option to be accompanied or assisted by another person, at that party's cost.

It is the responsibility of the Complaints Registrar to ensure adherence to the appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting students with the appeal procedure and appointing an independent assessor. The VFA Learning's appeal review process will commence no later than within 10 days of receipt.

If the student is still not satisfied with the resolution of the assessment appeal after following and exhausting the VFA Learning internal assessment appeals procedure, the student may contact the vocational education and training sector's regulator, ASQA. They can do so through the ASQA Hotline on: 1300 701 801 between 9.00 am and 7.00 pm Eastern Standard Time (EST), Monday to Friday or, if the student is a VET Student Loan recipient, contact the VET Student Loan Ombudsman contact number 1300 362 072 or fill out the online complaint form. ASQA requires all other avenues of appeal to have been exhausted prior to contacting them



## Related Documents

SUPPORTING DOCUMENT Student Handbook

SUPPORTING DOCUMENT Complaints and Appeals Register

SUPPORTING DOCUMENT Continuous Improvement Register

FORM VFA Learning Complaints and Feedback Form (available on the VFA Learning website)

FORM Online Complaints and Feedback Form (available in the VFA Learning LMS)

## Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the Director of Compliance.

## Publishing details

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