

## Policy Purpose

The intent of this policy and procedure is 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 efficiency.

## Policy Scope

This policy applies to all students, staff and contractors of VFA Learning. All staff are to adhere to this policy and associated procedures. This policy will not apply where there are other specific policies or procedures in place for dealing with the matter, e.g. misconduct, unsatisfactory performance or lack of academic progress.

## Definitions

The following definitions apply to this Policy and Procedure:

A **complaint** grievance is a concern or complaint about an act, behaviour, omission, situation or decision, which an individual believes is unfair or unjustified.

The **complainant** is person notifying VFA Learning of a complaint

**Conciliation** is the process through which the parties involved in any allegation, with assistance from a neutral person (a conciliator), discuss the issues in order to develop options and consider alternatives with the goal of reaching a consensual agreement or outcome.

**Mediation** is the process through which the parties involved in a dispute or allegations are assisted by a mediator to assist them to reach an agreement, which settles the dispute. Mediation encourages negotiation in a non-threatening environment.

The **respondent** is person against whom the complaint is made.

An **informal complaint** are usually minor disputes or difficulties that can be resolved without an independent assessment or assistance. If the complaint remains unresolved, it can be escalated to the next step – formal complaint

A **formal complaint** is a complaint arising from alleged bullying, discrimination, harassment or sexual harassment or perceived unfair decisions or treatment, or an unresolved informal complaint. The Complaints Registrar coordinates the management of formal complaints. A formal complaint must be made in writing using the ***Complaints and Appeals Form***

An **appeal** is a process that allows students to ask for a review of a decision relating their academic progress or cancellation of their enrolment or outcome of a formal complaint

**Appellant** a person who applies to for the reversal of a decision made by VFA Learning

## Policy Statements

The following Policy statements are an overarching view of the process VFA Learning will undertake to ensure that they meet their obligations under State and Federal Legislation, Funding Body contracts and VET Regulatory Body requirements. A clear and concise procedure to guide staff on maintaining compliance in their daily RTO tasks supports the policy statements.

### 1. VFA Commitment

VFA commits to ensuring the following:

- All complaints and/or appeals are responded to and treated seriously
- Provide the opportunity for all stakeholders to present their case at each stage of the process
- Allow the support of a third party person where applicable and appropriate
- Provide all information to all stakeholders in writing
- Seek good faith participation by all parties in the resolution of complaints and/or appeals
- Maintain a student's enrolment throughout the complaints and/or appeals process
- Maintain the privacy and confidentiality of all information provided during the complaint and/or appeal process.

***Please note, VFA Learning may be required under law to provide details of any complaint and/or appeal to the requesting officer from the government department or agency***

- Record all complaints and appeals in the *Complaints and Appeals Register*
- Use all complaints and/or appeals in the continuous improvement cycle
- Provide access to the complaints and/or appeals process at no cost to all stakeholders
- Provide a copy of this Policy and Procedure on their website, on application and at any time requested by students, staff or members of the general public

### 2. Complaints Procedural fairness

Complainants and Respondents have the right to have their complaint dealt with fairly, constructively, expeditiously, confidentially, and through the application of the principles of procedural fairness, without reprisal. In relation to this Policy and Procedure, procedural fairness includes:

- The respondent(s) being informed of any allegations made in a complaint against them;
- Parties to the complaint being advised of the procedures that apply to the management of the complaint;
- Parties to the complaint being informed of those people involved and responsible for handling the complaint;
- All parties to the complaint having a right to be heard;
- The respondent being provided with an opportunity to respond;
- Relevant submissions by parties to the complaint being fully considered before a decision is made;
- A full and proper investigation of the facts;
- Outcome of the investigation sent to the complainant and the respondent

***Please note – students must continue to maintain their attendance during the investigation of any complaint or appeal***

### 3. Conflicts of Interest

Parties to the complaint management process, including those engaged to manage the complaint, must declare if a conflict of interest exists to the Complaints Registrar who will determine whether it is appropriate for the person to participate in the process.

## **4. Anonymous Complaints**

VFA Learning will not act on anonymous complaints received about staff unless the issues raised are serious and sufficient information is provided to warrant further enquiry into the allegations. Depending on the nature of the complaint, VFA Learning may refer the details of the complaint to other external agencies for investigation as necessary.

## **5. Malicious Complaints**

VFA Learning accepts that complaints are a genuine concern about perceived inappropriate or unfair behaviour or actions. However, on some occasions a complaint may be frivolous or malicious, i.e. designed to harass or annoy, to cause delay or detriment, or for any other wrongful purpose.

Any student or staff member who makes a false allegation in retaliation for management instituting counselling or disciplinary processes as part of VFA Learning's duty to manage and duty of care may be subject to disciplinary processes, and the matter may be dealt with as serious misconduct.

## **6. Student enrolment status**

During the complaints and/or appeals process, VFA Learning will maintain the enrolment of a student.

## **7. Staff Training**

Where applicable, VFA Learning will ensure all staff are trained in the Complaints and Appeals process.

## Complaints Procedure

### Informal complaints

Prior to initiating a formal complaint process, the parties involved will attempt to resolve concerns directly wherever possible. It is expected that many concerns will be resolved in the first instance. Students are encouraged to raise concerns directly with their trainer, particularly where the concerns are adversely affecting the learning environment.

### Formal complaints

#### Stage one

1. Where the parties involved are unable to successfully resolve the concern directly, then a formal complaint or appeal may be lodged with the in writing using the **Complaints and Appeals Form** (with assistance where required). The form is available on VFA Learning's website or can be provided to the complainant, and it records the following information:
  - complainant's full name, address, phone/email address
  - details of the concern raised by the complainant
  - the complainant's desired outcome
  - reasons outlining the escalation to a formal process
  - if the complaint relates to another party, that party's full name and position

The completed form can be emailed to [privacy@vfalearning.vic.edu.au](mailto:privacy@vfalearning.vic.edu.au) or mailed to

The Complaints Registrar  
VFA Learning  
78 Yarra St  
Geelong  
VIC 3220

***Note: complaints can be accepted without a completed form such as an email or letter, providing the authenticity of the written correspondence can be verified***

The Complaints Registrar will:

- Acknowledge receipt of all complaints in writing within 48 hours. The acknowledgement outlines the anticipated review period
  - will notify the Campus Manager and relevant Academy Academic Co-ordinator of the complaint
  - commence the investigation into the complaint
  - record details of the complaint in the **Complaint and Appeals Register**
2. VFA Learning's investigation process will commence no later than 10 days after submission.
  3. Assess the complaint and carry out the following as applicable:
    - Speaks with the complainant and where applicable the respondent
    - Discuss the complaint with any staff members involved or named in the complaint
    - Arrange conciliation and mediation where applicable
    - Then determine the outcome, and advise the Complainant in writing of their decision, including the reasons for the decision, within 14 days.

4. Where the VFA Learning considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO informs the complainant or appellant in writing, outlining reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.

## Stage Two

If the Complainant is not satisfied with the outcome of Stage 1 they may lodge an appeal in writing to the Director of Quality.

**Note: where a complaint directly involves the Director of Quality, the CEO will appoint a suitable, independent, senior staff member to assess the complaint and determine the outcome.**

1. The Director of Quality 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.
2. During this stage of the procedure, each party has the option to be accompanied or assisted by another person, at that party's cost.
3. 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 – Independent Third Party review

Where the complainant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party. Appeals or requests for independent third party review of decisions are to be lodged in writing within 28 days of the decision or outcome.

1. Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the Chief Executive Officer.
2. VFA Learning acknowledges receipt of the request for independent third party review in writing. The acknowledgement outlines the anticipated review period and the independent review officer.
3. The review process and review officer is recorded in the RTO Complaints and Appeals Register.
4. VFA Learning discloses any costs associated with a third party review, so all parties are aware of any costs they may incur.

**ASQA is not able to act as the independent third party for reviewing complaints.**

The independent review officer makes a determination to VFA Learning and the appellant. Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately.

5. The Complaints Registrar is notified of the outcome and action to be implemented. Documentation is securely filed and the outcome and continuous improvement action is noted in the **Complaints and Appeals Register**.

## Appeals Procedure

### Assessment appeals

Prior to initiating a formal assessment appeal process, the students must attempt to resolve concerns directly with their Assessor wherever possible. 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 student must complete Section 2 of the **Complaints and Appeals form** and lodge it with their Academic Co-ordinator and must be submitted within **14 days** of the original assessment outcome date

If a student is citing a medical emergency as the reason for appeal, the appeal must be lodged within **5 calendar days** of the date on the medical certificate.

### Cancellation of enrolment appeal

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 27 days, otherwise the cancellation will go ahead.

**Appeals will follow the same process as outlined in the Complaints Procedure in this document.**

# Complaints and Appeals Policy & Procedure



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## 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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