

Student's Complaints and Appeals Policy and Procedures

1. Policy

Prahran Community Learning Centre Inc. (*thereafter known as PCLC or the RTO*) seeks to continuously provide a high quality education and training service in which all are encouraged to strive for excellence and fulfil their potential. It is committed to developing and maintaining effective, timely, fair and equitable complaints handling system which is easily accessible and offered to complainants at no charge and where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes. The procedures aim to avoid blame and undue investigation. This policy and procedure is designed to capture data to assist PCLC to continuously improve its operations as required by **Elements 1.1, 2.1 and 3.1** of the *AQTF Essential Conditions and Standards for Continuing Registration*.

This policy applies to all students (*including current, past and prospective students*) undertaking study or training in courses offered by PCLC. This policy applies to all complaints requiring resolution except those covered under equal opportunity or access and equity.

Complainants can choose to utilise resources outside PCLC to resolve their complaint.

In handling a complaint, whether formal or informal, confidentiality will be maintained to:

- Protect all parties involved in a complaint under the principles of natural justice;
- Prevent the possibility of a defamation or other legal action; and
- Involve the minimum number of people possible.

All students and staff are to be informed of the complaint resolution procedures. The focus for resolution will be on issues rather than individuals. Students and staff are to be protected from victimisation. Natural justice principles will be used to ensure procedural fairness.

A complainant has the right to withdraw the complaint at any stage.

If a student is utilising this process, their enrolment must be maintained while the complaints and appeals process is on-going.

Process

There are two types of complaint: Informal and Formal. Students may choose either process. Specific procedures for student complaints resolution should be referred to as each circumstance indicates.

Informal complaint

A complaint is considered to be informal when it is made verbally. It is also considered to be informal when it is made in writing and addressed to the person against whom the complaint is being made unless a signed copy of that letter is also sent to an assigned nominee of PCLC. An informal complaint will be referred to an appropriate person to assist the effective and rapid resolution. Resolution of a complaint is to be achieved as quickly as possible, at the local level and with a minimum number of people involved.

Formal complaint

A "formal" complaint can be defined as a student's expression of dissatisfaction with any aspect of the RTO's services and activities including, and around which they request that action be taken. A complaint is not about an assessment result, academic progress issue or an attendance matter. These issues are seen as Appeals against a decision by PCLC to act in a certain way. The complaints may include, amongst others:

- The enrolment, induction/orientation process;
- The quality of training or assessment provided;
- Access to personal records;
- The way someone has been treated;

- The resources and facilities available for students; and
- Information provided to students

All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities and the complaint will be forwarded to the most appropriate person (*as determined by the Director*) to assist the effective and rapid resolution of any complaint.

At all times, parties to the complaint may be accompanied by another person of their choosing, except where that person is a legal practitioner. Each party will have opportunity to formally present their case should they wish to do so.

Before an issue becomes a “formal” complaint

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. This could be a trainer or a support staff available to assist students to resolve their issues at this level. If the matter cannot be resolved at this level, to the satisfaction to the complainant, then the issue moves to one of a “formal complaint”

Who can lodge a complaint using this procedure?

- An individual student
- A group of students (class)
- A committee who represents students

2. Procedure

This procedure is designed to be utilised by students who wish to lodge a formal complaint. Where a student lodges a formal complaint, their enrolment will be maintained throughout the process. There is no cost for a student to lodge a complaint or an appeal.

2.1 Stage One

2.1.1 Complaints must be submitted in writing by way of a Student Complaint Form to the nominee. Receipt of any complaints will be acknowledged in writing within 5 business days and the complaint process will commence within 10 business days of the receipt of the complaint.

2.1.2 The nominee will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve. This should occur by way of a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview with the complainant, they may ask another person to accompany them (*not a legal practitioner*).

2.1.3 This initial meeting will endeavour to resolve the complaint, and provide a written report to the complainant within 20 working days on the steps that will be taken to address the complaint, stating clearly the reasons for the decision

2.1.4 The Complaints and Appeals Register will be updated to record the outcome.

2.2 Stage Two

2.2.1 If the complainant is unsatisfied with the outcome at Stage One, they may appeal the decision reached in Stage One in writing to the Director within 14 days of receiving the written report of the outcome of Stage One.

2.2.2 The Director may appoint a person who was not involved in the original decision to consult with the complainant and other relevant parties.

2.2.3 Where such consultations should take the form of face-to-face interviews so that the complainant has an opportunity to formally present their case. The complainant may ask another person (*not a legal practitioner*) to accompany them to the interview.

2.2.4 Once the Director receives a written report of the consultation procedure, she will provide a written report to the complainant on the further steps taken to address the complaint, together with the Director clearly stating the reasons for the decision.

2.2.4 The Complaints and Appeals Register will be updated to record the outcome.

2.3 Stage Three

2.3.1 If the complainant is unsatisfied with the outcome of their appeal, they may make a written request to PCLC that they wish the matter to be dealt with through an external mediation service. PCLC recommends that the external mediation service be provided by by Australian Council for Private Education and Training (ACPET)

2.3.2 Contact details for ACPET

PO Box 551,
East Melbourne, VIC 8002
Ph: 1800 657 644 Fax (03) 9416 1895
Email: acpet@acpet.edu.au

2.3.3 Students who wish to lodge an external appeal must complete the form for domestic students available at: <http://acpet.edu.au/students/student-support/appeals> and email it to: student.appeals@acpet.edu.au

2.3.4 Once the application is made ACPET will advise PCLC of the external review application made by the student and both the student and PCLC will be requested to provide documents in support of the application within 14 days including student records to ACPET. ACPET will then forward all documents to an External Reviewer. The External Reviewer considers the documents and makes a determination. The decision and determination is forwarded to ACPET. ACPET will then send the decision to all parties.

Turnaround time for an appeal is within 4 to 6 weeks of lodgement

2.3.5 Contact with the mediator should be initiated by the student in all cases.

2.3.6 The total cost (*if applicable*) per external mediation is borne by the student.

2.3.7 The police may be contacted in cases of possible criminal behaviour.

2.3.8 Each complaint, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

2.4 Stage Four

2.4.1 If the complaint still remains unresolved, the complaint may decide to refer the matter to VRQA or contact the National Training Complaints Hotline on 1800 000 674

2.4.2 Nothing in this policy limits the rights of students to take action under Australia's Consumer Protection laws. Also, these dispute resolution procedures do not circumscribe a student's rights to pursue other legal remedies.

3. *Natural Justice*

3.1 The duty to act fairly includes two rules: the fair dealing rule and the no bias rule.

3.2 This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

3.3 In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements, they must immediately withdraw from the process.

3.4 In order to expedite the process, students shall also have regard for this and not unduly interfere with the mediation agent or the procedure.

3.5 Should interference by the student affect the normal process of events, PCLC shall not be held responsible for the consequences.

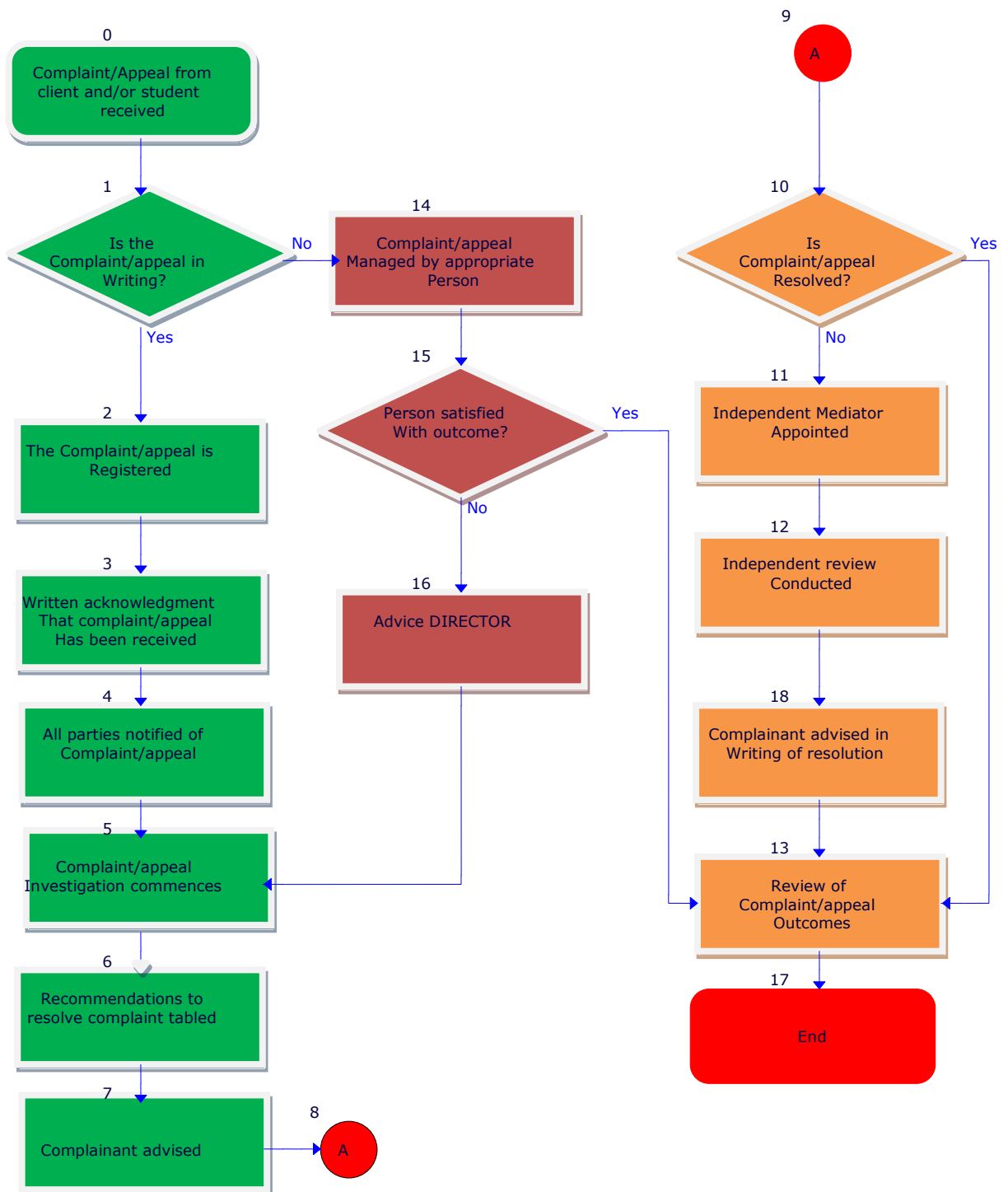
4. *Continuous Improvement*

Regular review of the Complaints and Appeals Register will be undertaken by the Director in liaison with the delegated staff or nominee. The review should identify any areas for improvement which arise where complaints are found to be substantiated and these will be documented in the Continuous Improvement Register.

5. *Record Keeping and Confidentiality*

Records of all complaints handled under this policy and procedure and their outcomes shall be maintained by a designated staff for a period of at least two years to allow all parties to the complaint appropriate access to these records, upon written request to PCLC.

Complaints and Appeals Procedure



Process Detail

0. Complaint/Appeal from client and/or student received
PERFORMED BY Client/Student

PCLC receive a complaint from client and/or student. Complaints may be either informal or formal complaints.

If the complaint is by phone or of a verbal nature, information regarding the complaint is to be documented and forwarded to the Director or a designated staff or nominee.

Written complaints are to be forwarded to the Director or a designated staff or nominee.

- 1 Is the complaint/appeal in writing?

All written complaints/appeals are to be forwarded to the designated staff or nominee

If "No" go to 14 Complaint/appeal managed by appropriate person

If "Yes" go to 2 The Complaint/appeal is registered

- 2 The Complaint/appeal is registered
PERFORMED BY Director or designated staff or nominee

The complaint is registered in the Complaint and Appeals Register located in the Office of the Director and actions to address the complaint will start within twenty four (24) hours of receipt of complaint.

- 3 Written acknowledgment that complaint/appeal has been received
PERFORMED BY Director or designated staff.

The Director or designated staff will notify the Education Manager within twenty four (24) hours, of receiving the complaint, acknowledge receipt of the complaint in writing within seven (7) days of receiving the complaint and will outline the Complaints Procedure and that the complainant will have opportunity to present their case.

- 4 All parties notified of complaint/appeal

The Education Manager will notify the relevant stakeholder, within twenty four (24) hours of receipt of the complaint/appeal.

- 5 Complaint/appeal investigation commences
PERFORMED BY Education Manager

The Education Manager will initiate an investigation into the complaint/appeal within two (2) days of receiving the complaint. The complaint/appeal is to be investigated with all parties relevant to the complaint/appeal presenting their case.

- 6 Recommendations to resolve complaint tabled

Resolution of complaint recommendations are presented to the Director or designated staff or nominee.

- 7 Complainant advised
PERFORMED BY Education Manager

The complainant is advised, in writing, by the Education Manager within twenty four (24) hours of receiving the investigation recommendations. The right to appeal process is explained to the complainant if they do not agree with the recommendations.

- 8 Is complaint/appeal resolved?
 PERFORMED BY Director or designated staff or nominee
- Is complaint resolved without the need for further action?
 Has complainant advised they are satisfied with the Directors' decision?
- If "No" go to 2.9 Independent Mediator appointed
 If "Yes" go to 2.11 Review of complaint/appeal outcomes
- 9 Independent Mediator appointed
 PERFORMED BY Director
- The Director informs the complainant that an independent third party will mediate to resolve the issue.
- 10 Independent review conducted
- The independent mediator will conduct a review of the complaint and the suggested recommendations and determine a resolution.
- Go to 2.5 Complaint/appeal investigation commences
- 11 Review of complaint/appeal outcomes
- PCLC to follow continuous improvement process if independent review finds that the RTO's policies and procedures need to be changed as a result of the complaint
- 12 Complaint/appeal managed by appropriate person
 PERFORMED BY Relevant Staff
- Informal complaints will be managed by the staff member that receives the initial complaint. Where the staff member is unable to resolve the initial complaint, it is to be forwarded to the appropriate person, as follows:
- TRAINING/COURSE/STUDY/CLASSROOM
 - Class/Trainer/Assessor
- PERSONAL
 - Class/Course Teacher
 - Education Manager
- 13 Person satisfied with outcome?
- Confirmation that the person who made the complaint/appeal is satisfied with the outcome must be verified.
- If "No" go to 2.14 Advise Director
 If "Yes" go to 2.11 Review of complaint/appeal outcomes
- 14 Advise Training Manager
 PERFORMED BY Relevant Staff
- Unresolved informal complaints are to be forwarded to the Operations Manager immediately.
- Go to 2.5 Complaint/appeal investigation commences
- 15 Complainant advised in writing of resolution
 The Director or nominee advises, in writing, the outcome confirming resolution.