

## **Student 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. It is committed to developing and maintaining an effective, timely, fair and equitable complaints handling process. 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 in continuously improving its operations. PCLC is governed and must abide by the Victorian Registration and Qualification Authority (VRQA), as per the outlined Clauses 6.1 – 6.6 of the Australian Skills Quality Authority (ASQA) Standards for Registered Training Organisations (RTOs) 2015.

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.

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 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. 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.

### **Informal complaint**

An informal complaint is a complaint expressed either verbally or in writing to a relevant delegate, which is not dealt with through a formal process. It may involve a discussion with relevant parties in order to receive information and explore options on resolving the matter. It does not involve a formal investigation or the determination of evidence.

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 the Principal Executive Officer (PEO) or their delegate. 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 formal procedures for substantiating a complaint with evidence, or at least bringing the staff involved together to try to reach a satisfactory outcome for all. 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 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. 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. If the matter cannot be resolved at this level, to the satisfaction of the complainant, then the issue becomes 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 Formal complaints **must** be submitted in writing by way of the Student Complaints and Appeals Form. Receipt of any complaints will be acknowledged in writing within 2 working days and the complaint process will commence within 5 working days upon receipt of the complaint.

2.1.2 The PEO, or their delegate, will, if necessary, seek to clarify the outcome that the complainant hopes to achieve. This should occur by way of a face-to-face interview. The complainant may ask another person to accompany them.

2.1.3 This initial meeting will endeavour to resolve the complaint. A written report will be transmitted to the complainant within 10 working days, outlining the steps taken to address the complaint, and stating the reasoning behind 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 in writing to the PEO within 10 working days of receiving the written report.

2.2.2 The PEO may appoint a delegate, not involved in the original decision to consult with the complainant and other relevant parties.

2.2.3 Such deliberations 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 to accompany them to the interview.

2.2.4 Once the PEO is briefed on the negotiation process, they shall provide a written report to the complainant on the further steps taken to address the complaint, together with 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 still 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 the National Training Complaints Hotline. The hotline is a joint initiative with State and Territory Governments, which will make it easier to stop the exploitation of students, businesses and taxpayer funding.

2.3.2 Students who wish to lodge an external appeal should telephone the National Training Complaints Hotline on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or email [skilling@education.gov.au](mailto:skilling@education.gov.au)

2.3.3 Once the application is made, the hotline directs complaints to the appropriate Commonwealth, State or Territory organisation for help. The relevant establishment shall then advise the outcome of the complaint.

## **2.4 Stage Four**

2.4.1 If the complaint still remains unresolved, the complaint may decide to refer the matter to ASQA or the VRQA.

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.

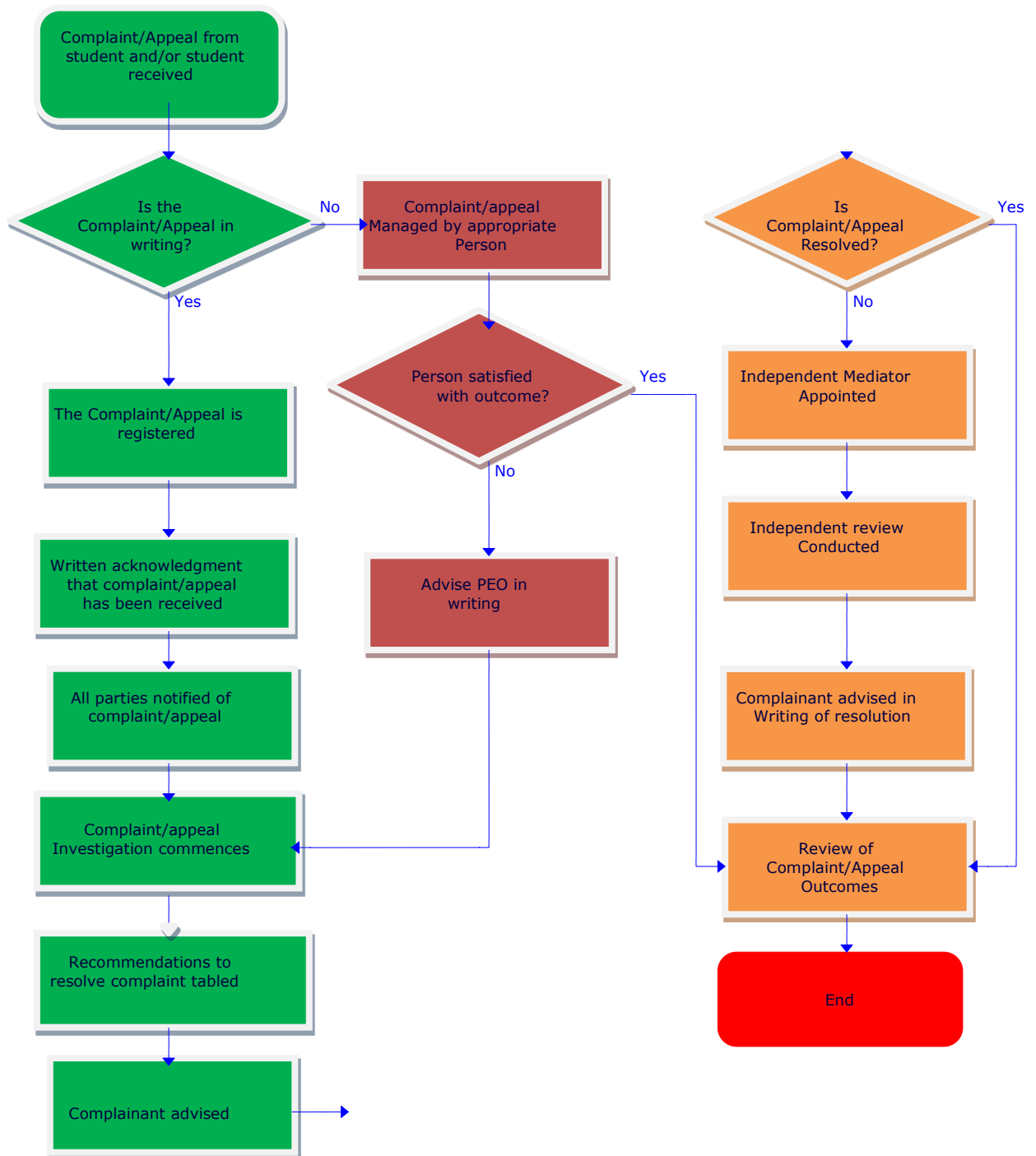
## **3. Continuous Improvement**

Regular review of the Complaints and Appeals Register will be undertaken by the Compliance Manager 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.

## **4. 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



### VERSION CONTROL AND CHANGE HISTORY

Document Title	Version No	Key Words	Approval Date	Author	Approved by	Amendment
Complaints and Appeals Policy and Procedure	One	Complaints and Appeals	11/16	Education Compliance Manager	Principal Executive Officer	N/A
Complaints and Appeals Policy and Procedure	Two	Complaints and Appeals	11/16	Compliance Manager	Principal Executive Officer	Update to ensure currency