

## Complaints and Appeals Procedures

Every student has the right to lodge an appeal or make a complaint and have that appeal or complaint dealt with in a manner that is both respectful and fair.

The availability of complaints and appeals processes do not remove, or imply the removal of, the right of the student to take action under Australia's consumer protection laws.

Complaints arising from the application of TIV's Human Resources processes are managed in line with the Human Resources: Grievance Policy, Protocol and Procedure.

### **Purpose**

To provide a fair and inexpensive complaints and appeals process

### **Scope**

This procedure applies to all staff, clients and students of TIV

### **References**

- National Vocational Education and Training Regulator Act 2011
- Australian Skills Quality Authority Standards for Registered Training Organisations (RTOs) 2015.

### **Documents**

- TIV Policy Manual
- TIV Procedure Manual
- TIV Trainer Assessor Handbook
- TIV Employee Handbook
- TIV Student Handbooks

### **Responsibilities**

The Administration Coordinator is responsible for ensuring updates and distribution of complaints and appeals procedures.

The Chief Executive Officer is responsible for ensuring that appropriate delegated officers within the Administration Department and the Training Department are individually and severally responsible for the implementation of the Complaint and Appeals procedures and for ensuring the procedures are understood and followed by all RTO staff.

### **'Complaint' Defined**

A complaint is generally negative feedback about services or staff which has not been resolved locally. A complaint may be received by TIV in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person but are generally made by students and/or employers.

### **'Appeal' Defined**

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of the decision or finding being informed to the student.

### **Early Resolution of Complaints and Appeals**

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved.

## Relationship to Continuous Improvement

Frequently, the complaints and appeals handling process will expose weaknesses in the training and assessment system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints and appeals handling is very positive and should be actively applied by all persons involved.

## Complaint and Appeals Handling

TIV undertakes to apply the following principles to its complaints and appeals handling:

- A written record of all complaints and appeals must be kept by TIV including all details of lodgement, response and resolution.
- A complainant or an appellant is to be provided an opportunity to formally present his or her case at minimal or no cost.
- Each complainant or appellant may be accompanied and/or assisted by a support person at any relevant meeting.
- The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- Where TIV considers that the complaint or appeal requires more than 60 days to process and finalise TIV will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required and thereafter, regularly updates the complainant or appellant on the progress of the matter.
- The complainant or appellant is to be provided a written statement of the outcome, including details of the reasons for the outcome.
- The complainant or appellant is to have the opportunity for a person or a body that is independent of TIV to review his or her complaint or appeal following the internal TIV complaint or appeals process. It is noted that a review of findings by an independent person or body will generally only relate to the appeals process and is less likely to be required in complaints handling.
- TIV shall maintain the enrolment of the complainant or appellant during the complaint or appeals process.
- Decisions or outcomes of the complaint or appeals process that find in the favour of the student shall be implemented immediately.
- Complaints and appeals are to be handled in the strictest of confidence. No TIV representative is to disclose information to any person without the permission of the Chief Executive Officer. A decision to release information to third parties can only be made after the complainant has given permission for this to occur.
- Complaints and appeals are to be considered on the basis of procedural fairness and lead to opportunities for improvement as a Continuous Improvement Report.

## Complaints Handling Procedure

Matters that cannot be resolved at the time they occur should be referred to the TIV Chief Executive Officer for review. The following procedure is to be followed when a complaint form is received:

- Advice of a complaint via a Complaints and Appeals Form is received by TIV Administration and is to be immediately recorded into the TIV Complaints and Appeals Register.
- Complaints which are received by TIV administration in other forms such as by phone, email or in person are to be detailed on a Complaints Form and then recorded in the Complaints and Appeals Register.
- The Complaints Form is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with others within TIV or relevant agencies external to TIV in determining his or her recommendation.
- The CEO may choose to make inquiries about the matter or may task another person to research the matter against relevant policy.

- The CEO is to finalise his or her response to the complainant and provide the complainant a response within 10 working days from when the complaint is received at TIV.
- Where the CEO considers that the complaint requires more than 60 days to process and finalise TIV will inform the complainant in writing, including reasons why more than 60 calendar days are required and thereafter, regularly updates the complainant on the progress of the matter. The response to the complainant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the complaint.
- Opportunities for improvement that were identified as a result of the complaint are to be recorded in a Continuous Improvement Report and submitted for the next Continuous Improvement Committee meeting. The Chief Executive Officer may, at his or her discretion, follow-up with the complainant after consideration by the Continuous Improvement Committee to inform the complainant of the improvement actions identified.
- The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.

## Appeals Procedure

Applications by students for reconsideration of an unfavourable decision or finding are to be treated with the highest importance. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of when the decision or finding is communicated to the student. The following procedure is to be followed when an application for appeal is received:

- An Appeals Form is received by TIV administration and is immediately recorded into the TIV Complaints and Appeals Register.
- Persons lodging appeals in other forms such as phone or email, are to be provided with the Complaints and Appeals Form and advised of the correct format for submission.
- The Complaints and Appeals Form is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with others within TIV or relevant agencies external to TIV determining his or her recommendation
- The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy. The Chief Executive Officer is to consider applications for appeal on the basis of procedural fairness. In most cases, this should include a careful examination of the system that the applicant is required to negotiate (such as the assessment system), the information they have been provided which has led to the disputed situation and the timeframes involved.
- The Chief Executive Officer is to finalise their response to the applicant and provide the appellant a response within 10 working days from when the appeal is received at TIV.
- Where the CEO considers that the appeal requires more than 60 days to process and finalise TIV will inform the complainant in writing, including reasons why more than 60 calendar days are required and thereafter, regularly updates the appellant on the progress of the matter.
- The response to the appellant must include information that demonstrates that the appeal was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and submitted for the next Continuous Improvement Committee meeting. The Chief Executive Officer may, at their discretion, follow-up with the appellant after consideration by the Continuous Improvement Committee to inform the appellant of the improvement actions identified.
- If the appellant is satisfied with the response, the appeal is closed in the Appeals Register. If the appellant is not satisfied with the response, the appellant may make a complaint to the Victorian Ombudsman at [www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint](http://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint)
- At the conclusion of the review, decisions or outcomes of the appeals process that find in the favour of the student or otherwise shall be implemented immediately.

- The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.

## **Records**

- Student Complaints and Appeals Form
- Complaints and Appeals Register