

# Manage complaints and appeals policy and procedure

---

## Purpose

This policy and procedure has been developed to ensure that Field has a system in place so complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

## References

- ASQA – Standards for Registered Training Organisations (RTOs)
  - 2015 Manage complaints and appeals (Clause 6.1 – 6.6)
- Skills First Provisions: VET Funding Contract
  - 12.1: Complaints Handling
  - Schedule 1, Clause 1.7: Publish Complaints and Appeals on the website
- Skills First Quality Charter Principle 6 – Responsive feedback systems

## Responsibility for implementation:

- General Manager
- Compliance Manager

## When:

Upon submission of a complaint or appeal

## Definitions

- **Academic Matters** – including matters relating to student progress, assessment, course content, a student's outcome in a unit of study and an award issued/not issued.
- **Academic Complaint** – an expressed dissatisfaction with the Academic Matter (as detailed above)
- **Appeal** – Dissatisfaction with a decision made by Field
- **Complaint** – Dissatisfaction with a service offered or treatment received at Field
- **Complainant** – refers to a student OR a staff member OR an external third party who has lodged an academic or non-academic complaint with Field
- **Non-academic matters** – those matters which include complaints in relation to personal information that the provider holds in relation to the Complainant. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider and will cover issues such as:

- complaints in relation to privacy/personal information that the provider holds in relation to the student
- harassment,
- vilification,
- discrimination,
- financial matters,
- fines and payments,
- application procedures,
- exclusion from events and facilities, and
- the use or misuse of personal information
- **Respondent** – the person/s that is responding to a Complaint or Appeal

## Policy/Process

This procedure applies to all academic, non-academic, informal and formal complaints submitted by the Complainant:

All complaints will be handled professionally in order to achieve a satisfactory resolution.

Students, potential students or external parties of Field are entitled to use the Complaints and Appeals procedure as set out in this policy regardless of the location of the campus at which the complaint has arisen, the student's place of residence or mode in which they study.

All complaints will be managed fairly, equitably and as efficiently as possible.

The Complainant and Respondent will not be victimised or discriminated against in any of the stages set out in this policy, nor as a result of a complaint being raised.

Field will encourage the parties to approach the complaint with an open view and attempt to resolve issues through discussion and conciliation.

This policy provides an avenue for most complaints and appeals to be addressed. However, where a complaint or appeal cannot be resolved through discussion and conciliation internally, Field acknowledges the need for an appropriate external and independent agent to moderate between the parties, as set out in the Complaint and Appeal procedure below.

At all stages of the process, the Complainant and/or Respondent has the right to be assisted by a third party at any relevant meeting.

This policy is communicated to all Field staff through our induction processes and is also displayed on Fields website. The Compliance Manager is responsible for ensuring all staff are adequately trained in understanding and applying this policy.

Complainants have three stages at which their complaint may be addressed. There is no charge to a Complainant accessing the internal stages.

Costs may apply to the Complainant should they wish to access the external appeals process.

## Complaints

Complaints may relate to academic and non-academic matters.

### Informal Complaints – Stage 1:

- Where possible all non-formal attempts shall be made to resolve the complaint. Field encourages open communication and an environment of trust. Therefore, any Complainant is encouraged to raise their complaint directly with the other party concerned to attempt to resolve the issue mutually or they can contact the Compliance Manager.
- Advice, discussions and general mediation between the parties may take place in relation to the complaint.
- The Compliance Manager will note the informal complaint on the *Complaints and Appeals Register* accordingly. The Compliance Manager will determine and ensure that the appropriate action will be taken where necessary.
- Any staff member can be involved in the process of trying to resolve the complaint at the informal stage. However, if the Complainant wishes to place a formal complaint, then the process below must be followed.

### Formal Complaints – Stage 2:

- A Complainant may submit a formal complaint to Field with the reasonable expectation that all complaints will be treated fairly and with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- A Complainant can submit a formal complaint by completing the Complaints and Appeals Form located on Field's website or they can obtain a copy by calling Field on 1300 360 185.
- All formal complaints must be submitted to the Compliance Manager and contain as many details as possible:
  1. Date complaint was submitted
  2. Name of Complainant
  3. Nature of complaint
  4. Date/s of the event/s which led to the complaint
  5. Attachments (if applicable)
- Once a complaint has been received, the information will be entered into the *Complaints and Appeals Register*, a spreadsheet which is monitored by the Compliance Manager until resolved. The information to be inserted and retained on the register includes:
  1. Date the complaint was submitted
  2. Name of Complainant
  3. Description of complaint
  4. Determined resolution
  5. Date of resolution

- Once a complaint has been entered in the *Complaints and Appeals Register*, the General Manager will be notified of the complaint and will be provided with all relevant documentation related to the matter.
- The Compliance Manager and General Manager will confer and decide on the appropriate action in order to ensure a successful resolution is attained.
- The relevant staff member/s or contract trainer/assessors will be informed of the complaint and they will have the opportunity to present their side of the matter.
- Once a decision has been reached, the Compliance Manager will notify all of the relevant parties involved of the decision and outcome which is to be communicated in writing:
  - This communication will include details of the reasons for the outcome.
  - This communication must be sent within 15 business days from the date the complaint was first received.
  - Within the notification of the outcome, the Complainant will be advised that they have the right to appeal the decision made by Field.
  - The Complainant will be referred to the appeals procedure as outlined below.
- The Compliance Manager will ensure that Field acts immediately on any substantiated complaint. If the internal or external complaint handling or appeal process results in a decision that supports the Complainant, Field must immediately implement any decision and/or corrective and preventative action that is required and advise the Complainant of the outcome.
- The outcome will be placed on the *Complaints and Appeals Register* and copies of all relevant documentation will be stored on Field's Management Drive - *M:\FIELD RTO\Field Complaints & Appeals*.
- The Complainant has the right to be accompanied by any person of their choice during the Complaints or Appeals process.

## Appeals

Appeals may be made against academic and non-academic matters.

### Formal Appeals (Non-Academic):

- If the Complainant is not satisfied with the outcome relating to their formal complaint, then they have the right to appeal the decision made by Field where reasonable grounds can be established.
- The areas in which a Complainant may appeal a decision made by Field may include:
  - a) Assessment conducted
  - b) Deferral, suspension or cancellation decisions made in relation to a student's enrolment
- Or any other conclusion/decision that is made after a complaint has been dealt with by Field in the first instance
- To activate the appeals process, the Complainant must submit an appeal application by completing the Complaints and Appeals Form located on Field's website or they can obtain a copy by calling Field on 1300 360 185
- The Complainant is required to provide a summary of the grounds that the appeal is based on and the reason why they feel that the initial decision made was unfair.
- The appeal must be lodged by the Complainant within 10 business days from the time they received notification from Field regarding the outcome of their initial complaint.
- Help and support with this process can be gained from the Compliance Manager.
- Once the appeal has been received, the Compliance Manager and General Manager will then determine the validity of the appeal and where necessary, organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- The process for all formally lodged appeals will begin within 15 business days from the date that the appeal was received.
- The Compliance Manager will ensure that Field acts on any substantiated appeal immediately.
- The General Manager and the Compliance Manager will review the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The Complainant will be notified in writing within 20 working days from the initial lodgement of the appeal of the outcome with reasons for the decision.
- The *Complaints and Appeals Register* will be updated.
- The Complainant will also be provided the option of activating the external appeals process if they are not satisfied with the outcome of their appeal.

**Informal Assessment Appeals (Academic):**

- If a Complainant wishes to appeal an assessment, they are required to notify their trainer/assessor in the first instance.
- Where appropriate, the trainer/assessor may decide to re-assess the student to ensure a fair and equitable decision is made.
- The trainer/assessor will be required to complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted in the second instance.
- This report will be provided to the Complainant and to the Compliance Manager.

**Formal Assessment Appeals (Academic):**

- If the informal assessment appeals process is still not to the Complainants satisfaction, the individual can formally lodge an appeal by completing and submitting the Complaints and Appeals Form to the Compliance Manager which can be downloaded from Field's website or the student can obtain a copy by ringing the office 1300 360 185.
- The Compliance Manager will document the information in the *Complaints and Appeals Register* and obtain details from the trainer/assessor and any other parties involved.
- A decision will be made regarding the appeal which will either indicate that the assessment decision remains as is or, details of a possible re- assessment by a 'third party'. The third party will be different trainer/assessor appointed by Field.
- The Complainant will be notified in writing within 20 working days from the initial lodgement of their appeal regarding the outcome with reasons for the decisions.
- The Compliance Manager will ensure that the *Complaints and Appeals Register* is updated.
- The student will also be provided with the option of activating the external appeals process if they are not satisfied with the outcome.

**External Appeals - Stage 3**

- If the Complainant is still not satisfied with the outcome and decision that Field has provided, they may wish to refer the matter to an external/independent/third party mediator at their own expense.
- Appeals can relate to academic and non-academic matters. Complainants are encouraged to resolve complaints and appeals through the Field complaint mechanism prior to consulting external parties.
- If the student is not satisfied by the complaints and appeal outcome, they can contact:

Dispute Settlement Centre of Victoria (DSCV)  
 4/456 Lonsdale Street  
 Melbourne Vic 3000  
 Telephone: 03 9603 8370  
 Toll free: 1800 658 528  
 Email: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)

- This final stage will be addressed within 30 days.
- Outcomes from the DSCV mediation in relation to the Complainants external appeal will be implemented immediately by Field where instructed do so.

### Extensions

If more than 60 calendar days are required to process and finalise the complaint or appeal, the Compliance Manager will inform the individual in writing, including reasons why more than 60 days is required and regularly update the Complainant on the progress of their matter.

In most cases this would not be necessary as the timeframes identified in the above processes keep well under 60 days. It may need to happen if an appeal was to reach an external stage.

### Records management and retention

- Electronic records:
  - a) Electronic records are safe from loss as Field's IT Department performs electronic backups of server information.
  - b) Confidentiality is maintained as a limited number of staff have access to the database (password protected), and all student/client information is only released as per Fields privacy policy. All staff employed by Field will be required to apply themselves to these procedures and safeguard confidential and personal information according to the Privacy and Protection of Personal Information Act 1998
- Hard copy records:
  - a) Confidentiality is maintained – matters relating to a complaint or appeal are stored on Field's Management Drive where only members of Field's Management team can access them.
  - b) Contents of files are not discarded unless the state and national storage requirements for retention, archiving and retrieval of information have been met.
- Records of all complaints, appeals and decisions derived, together with respective outcomes will be kept for a period of 5 years.

### Corrective Action

Any improvements arising from a complaint or appeal will be recorded in the *Continuous Improvement Register*. This register is reviewed by the General Manager and Compliance Manager bi-monthly and appropriate action is taken accordingly.

In the instance that Field receives complaints and/or appeals which demonstrate a pattern or trend, the General Manager and Compliance Manager will take the appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The form of corrective action applied will be determined on a case by case basis where there are continuing trends and patterns.

## Privacy

Field acknowledges and respects the privacy of its students'. It is required under the Privacy Act to comply with the National Privacy Principles in respect of the collection, use and disclosure of personal information from individuals.

Comprehensive records of every complaint and appeal will be stored and kept strictly confidential.

These records are stored in the office of the Compliance Manager. Parties to the complaint will be allowed supervised access to these records at the discretion of the General Manager or the Compliance Manager.

## Relevant records

- Published policy on Field's website
- Learner Handbook
- Complaints/Appeals application form found on website

Approved by:

Linda Jakab CEO, 9th December 2016

Revised by Field Compliance Manager, 13th July 2017