

Complaints and Appeals Policy and Procedure

1. Purpose

This Policy and Procedure outlines the principles and procedural steps for dealing with complaints made about the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) in its capacity as a Registered Training Organisation (RTO), our staff, or other students.

This Policy and Procedure also outlines the principles and procedural steps for dealing with a request to review or reconsider a decision made by VACCHO, such as an appeal against any decision made by a VACCHO RTO staff member, including but not limited to an enrolment or assessment decision.

This Policy and Procedure is focused on ensuring that VACCHO's RTO provides training and assessment services that are fair, reasonable, and accessible, and afford a forum where issues or concerns can be raised and resolved. This process provides opportunity for complaints and appeals to be recorded, acknowledged, and dealt with in a fair, efficient, and transparent manner.

2. Scope

This Policy and Procedure applies to all trainers, assessors, and other staff employed by VACCHO or any third-party providing services and/or associated with VACCHO's training services, such as work placement employers, and all students and prospective students of VACCHO.

This Policy and Procedure does not apply to VACCHO operations outside of the Registered Training Organisation (such as the Policy and Procedure and Research Unit or the Public Health Promotion Unit). Any complaints received about another unit of VACCHO will be assessed by the Executive Director to ensure there are no aspects of the complaint relating to training or assessment conducted by Education Services and forwarded to the relevant Executive Director for action. The complainant must be made aware of this action and who the relevant contact person is in that other unit.

3. Responsibility

The RTO Executive Director is responsible for approval and oversight of this Policy and Procedure.

The RTO Executive Director is responsible for implementation and maintenance approval of this Policy and Procedure.

The RTO Compliance Coordinator is responsible for the day-to-day oversight of this Policy and Procedure.

All other staff members are responsible for ensuring that they comply with the administrative requirements found in this and other VACCHO Policies and Procedures relating to VACCHO in its capacity as a Registered Training Organisation.

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All VACCHO staff must assist in the investigation of complaints, including, where required, providing information and records, and attending meetings.

4. Policy and Procedure

General Principles

Any person, whether they are a student or not, may make a complaint and/or appeal a decision made by VACCHO in its capacity as a Registered Training Organisation (RTO). More than one student/stakeholder may also make a joint complaint but not an appeal.

Staff should remain conscious that VACCHO is an Aboriginal and Torres Strait Islander focused organisation and pay attention to any cultural sensitivities that may arise in relation to a complaint/appeal. This may include an individual not wanting to make a fuss or worrying that it will make things difficult for them if they make a complaint/appeal. It is important to reassure anyone who may have a concern that making a complaint/appeal will not lead to them being penalised or being negatively impacted. If any staff members feels that an individual may have reason to make a complaint/appeal but is not reporting it, they can speak to the Aboriginal Student Mentor Support who can contact the individual and have a yarn to them about any concerns they have.

VACCHO staff handling both informal and formal complaints/appeals will ensure that they treat the complaint/appeal as serious and are respectful of all parties. No complainant/appellant will be disadvantaged in any way, including students may continue with their studies. The complaint/appeal will be held in strictest confidence with only VACCHO's delegated officers and those involved in the matter receiving information about the complaint or appeal and along the way of its resolution.

The complainant or appellant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint/appeal throughout the process at all times. Complainants/appellants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant/appellant's costs.

A complaint or appeal may be withdrawn at any time. This does not preclude the RTO Executive Director continuing to investigate any issues that have been raised so as to prevent those issues reoccurring.

Natural Justice

VACCHO is committed to the principles of natural justice and procedural fairness in dealing with complaints and appeals. VACCHO will ensure that:

- all parties to a complaint/appeal shall have the right to be heard, including, but not limited to, anyone who has allegations made against them being able to tell their side of the story before a decision is made
- all relevant submissions and evidence shall be considered
- matters that are not relevant shall not be taken into account

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- the decision maker was not involved in the matter under dispute and shall not be biased or appear to be biased
- any decisions made must be fair and just.

Each party may be accompanied and assisted by a support person at any relevant meetings.

For people with disability, a guardian, carer, advocate, or support person may make a complaint on behalf of the person with disability or otherwise be involved in assisting the complainant to make the complaint and in resolving the complaint.

A. Complaints Management Procedure

Informal Complaints/Grievances (Tier One)

Individuals are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned before it becomes a formal complaint. Educators and other VACCHO staff members (such as our Aboriginal Student Mentor Support) are available to assist students to resolve their issues at this stage.

If a staff member receives an informal complaint, the staff member concerned should endeavour to address the matter immediately. Many complaints, especially minor ones, can be resolved at this stage. A File Note is prepared promptly, outlining what has occurred by the VACCHO staff member to whom the complainant raised their concerns.

All outcomes shall be reported back to the complainant in writing within 5 Working days of the informal complaint being lodged.

The staff member should also check whether the individual concerned wishes to formalise their complaint and make them aware of how to do so, and assist them, if necessary (this means moving the complaint to a Tier Two). This must be encouraged if no resolution has been agreed to in these informal complaints handling phase.

The File Note is submitted to the RTO Executive Director. The complaint will be lodged onto the Complaints and Appeals Register by the Compliance Coordinator who also ensures that a copy of any related information, together with the File Note is placed in a secured Complaints File.

Making a Formal Complaint (Tier Two)

Although it is preferred that a complaint is made in writing, and on the relevant Complaint Form, a formal complaint can be made initially in any form, including verbally.

Where a complaint is made verbally, the staff member receiving the complaint offers to assist the complainant in recording the complaint in writing on the VACCHO Complaint Form. However, the complainant can deal with the whole complaint process, from making the complaint, to providing further information verbally, if they feel more comfortable doing this: in these cases, the staff member must prepare a File Note and submit it to the RTO Executive Director.

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The complainant should be allowed to make the complaint in their own words. VACCHO staff members should not try and paraphrase or make the complainants account fit their own preconceptions.

VACCHO will accept anonymous complaints and investigate the subject matter of the complaint in order to improve its services and operations but unless the complainant provides contact details, no response will be provided.

Investigating a Tier Two Complaint

Upon receiving a formal complaint, the RTO Executive Director will assess all the information before them and make a decision on how the complaint will be investigated. The process they decide upon will be recorded in the Complaints and Appeals Register, and will be supported by an evidence File, which houses all information and correspondence about the complaint.

The Executive Director will acknowledge the complaint in writing and no longer than 7 working days. The Executive Director may also acknowledge the complaint verbally, such as by telephone. If the student is Aboriginal, consideration should be given to having the verbal acknowledgement or a follow up call made by the Aboriginal Student Mentor

The Executive Director may investigate the complaint themselves, may co-opt another person to assist them with the investigation, may designate another person to investigate the complaint, or may establish a panel to investigate. The Executive Director may also arrange for an external person or body to investigate the complaint. The Executive Director may facilitate negotiation and conciliation between the parties.

All formal complaints received will be acknowledged in writing by VACCHO's RTO Executive Director within 7 working days.

VACCHO's RTO Executive Director will respond in writing to all formal complaints within 14 working days of receiving the complaint, with the Complaint Form completed (which may be completed by a VACCHO staff member in summarising any verbal complaint received). This may include a proposed resolution to the complaint. This allows sufficient time for the RTO Executive Director or their delegate to fully investigate the complaint.

All formal complaints may require parties to meet in person to discuss the complaint and work collaboratively to resolve.

When a complaint is recognised as requiring more than 60 calendar days to process, finalise and resolve, VACCHO's RTO Executive Director will inform the individual reasons why in writing, and further providing regular updates on the progress. A fortnightly update will be provided via email by VACCHO's RTO Executive Director until the complaint is resolved.

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should the complainant remain dissatisfied with the RTO's decision, they may request an independent review (Third Tier).

Referral of Complaints to External Agencies/Parties (Tier Three)

The Executive Director, upon assessing the complaint, may decide that there is a more appropriate venue to deal with the complaint and refer the complaint to that body. For example, a complaint alleging sexual misconduct on the part of a staff member would more appropriately be dealt with by the Police.

The Executive Director should also note any other legislative requirements relating to the staff member. For example, individuals who are registered with the Australian Health Practitioner Regulation Agency may be subject to mandatory reporting provisions.

The complainant must advise in writing (preferably or verbally) of their dissatisfaction of VACCHO's decision at the Tier Two level within 14 calendar days of receipt of VACCHO's decision.

Where possible, the Executive Director will discuss the next level of resolution with the complainant before referring the matter.

VACCHO's delegated officer to manage this level of complaint resolution is the RTO Executive Director unless the complaint is against this incumbent and in this instance, the CEO will nominate a delegate to manage the complaint.

VACCHO uses Resolution Institute to resolve such complaints through selection of one of the Institute's accredited alternative dispute resolution (ADR) providers within its Victorian Chapter.

VACCHO will organise the resolution session and ensure that this independent party has all the documentation and evidence to fully prepare for the session.

The Resolution Institute's details are as follows:

List of ADR Provider Database: <https://www.resolution.institute/>
Phone number: 1800 651 650

VACCHO will organise this resolution Tier within 10 calendar days of written advice from the complainant and/or where it has been mutually agreed that an independent review is in the complainant's best interest.

Both parties must agree to participate in this tier in good faith, with a willingness to find a resolution.

Both parties may bring additional persons, eg support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session.

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The decision of the Third-Tier independent review will be taken as final by both parties and reported to VACCHO's management.

The complainant and VACCHO will be informed in writing of the decision by the Resolution Institute and will require immediate implementation/action.

There is no cost to the complainant. However, should the complainant remain dissatisfied and does not accept the Resolution Institute's findings and wishes to take the complaint further and/or seek a review of the decision, all expenses related to this stage will be incurred by the person from this point in time.

Summary Dismissal

A complaint may be summarily dismissed by the RTO Executive Director if it has no relationship with VACCHO or is outside the reasonable control of VACCHO. For example, a student making a complaint about receiving a parking ticket whilst in class.

A complaint may also be summarily dismissed if it is frivolous, vexatious, baseless, or malicious. For example, a complaint made by a student that they don't like a staff member's appearance.

If this is the case, the complainant will receive written notification of the decision made, reasons as to why that decision was made, and, where appropriate, be referred to an appropriate body that may be able to deal with their complaint.

The RTO Executive Director will always give serious consideration as to the complaint and if there may be other, underlying causes, as to why the complaint was made before dismissing it. For example, a complaint from a female student about not liking a male student may be as a result of a traumatic event in their personal history.

Where a complaint is summarily dismissed, the complainant will have the same entitlement to access the Third Tier review process as any other person.

B. RTO Decision Appeals Management Procedure

An appeal against an assessment decision must be made on grounds related to the Assessment Task or Unit of Competency, for example, the result was not consistent with the objectives of the Unit or the assessor appears to have not taken all of the work into account in considering whether the objective of the tasks have been met.

An assessment appeal cannot be accepted on personal grounds relating to the student, such as the amount of work the student done in completing the task, personal or medical grounds, financial implications of not passing the unit, outside interests, or a general sense of unfairness. If any of these circumstances are affecting the student, they are encouraged to talk to their Program Coordinator or our Aboriginal Student Mentor Support who may be able to assist in other ways.

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An appeal that does not involve an Assessment Task may be appealed for any reason.

All appeals from students relating to assessment results and other adverse RTO decisions must be received within 5 calendar days following the competency/RTO decision.

The Manager, Health and Culture, is the delegated officer to review and manage the appeal and is required to:

- clarify any aspects of the assessment results that a student does not understand.
- provide each student that requests an assessment appeal with a copy of VACCHO's Appeals Form and/or referral to the website where the student may download a copy.
- upon receipt of a completed Appeals Form, schedule a meeting with the student and any other relevant parties, such as the trainer/assessor or another expert trainer/assessor.
- all assessment appeals will be processed by VACCHO within 14 working days of receipt of an appeal.
- all assessment appeals will be marked on the student's file against the relevant activity.
- student records will be adjusted to comply with the appeal outcome where required.

Review of Appeal Decision (Second Tier)

- VACCHO's delegated officer to manage this level of appeal resolution is the RTO Executive Director.
- In the event of an applicant/student being dissatisfied with the initial appeal decision, a review of the assessment decision will be conducted within 14 calendar days of the applicant/student advising in writing of their dissatisfaction with the decision.
- applicants/students must advise in writing (preferably or verbally) of their dissatisfaction of the appeal review within 5 working days of receipt of VACCHO's decision.
- all appeals at this Tier may require parties to meet in person to discuss the appeal and the review decision and work collaboratively to resolve. The applicant/student is welcome to be accompanied by a third party.
- when an appeal review at this level is recognised as requiring more than 60 calendar days to process, finalise and resolve, VACCHO RTO Executive Director will inform the individual reasons why in writing, and further providing regular updates on the progress. A fortnightly update will be provided via email by VACCHO's RTO Executive Director until the appeal is resolved.

Referral of Appeal to External Agencies/Parties (Tier Three)

The same process and delegation will apply as to the way that VACCHO manages RTO complaints (refer above).

Submitting a Complaint or Appeal Form

Advice is provided on both the Complaints and Appeals Forms, where completed Forms may be:

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- emailed to training@vaccho.org.au
- mailed to: VACCHO, 17-23 Sackville Street, Collingwood, VIC, 3066
- handed to VACCHO Reception or any staff member.

Confidentiality

All records relating to complaints and appeals will be treated as confidential and stored in a secure folder, and only accessed on a 'need to know' basis, except for the RTO Executive Director and Compliance Coordinator, who maintain these records and ensure completion of all related actions.

Register of Complaints/Appeals

All complaints will be recorded on the LOGIQC system by the Compliance Coordinator.

Supplementary evidence records of each complaint/appeal include:

- how the complaint/appeal was dealt with
- the outcome of the complaint/appeal
- the timeframes for resolution of the complaint/appeal
- the potential causes of the complaint/appeal
- the steps taken to resolve the complaint/appeal.

The matter (with no references to the persons involved) will be included in VACCHO's forthcoming RTO management meeting agenda, for the purposes of discussion to better understand the root cause and ensuring that the relevant VACCHO's policies, procedures and practices are amended accordingly – with staff notification of the changes.

Where the matter may require individual and/or staff training, VACCHO's Compliance Coordinator will organise this within one month of the resolution.

The matter may trigger a validation of assessment material for the qualification and in this instance, VACCHO's Compliance Coordinator will schedule the validation activity and include in its 2020/2025 Validation of Assessment Schedule as medium/high risk unit/s.

The RTO Executive Director is responsible for ensuring that the agreed actions are implemented and monitoring the likelihood of re-occurrence.

Informing VACCHO Staff

VACCHO is committed to ensuring that staff are aware of this policy and procedure.

VACCHO require all new staff to read and acknowledge they have understood as part of their induction.

Existing staff are required to read and acknowledge their understanding of this policy and procedure on an annual basis – which may be as minuted in a RTO management/staff meeting.

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Informing VACCHO Applicants/Students and other Stakeholders

VACCHO is committed to ensuring that all applicants/students and other stakeholders are aware of this policy and procedure. A copy of this Policy and Procedure is made available on the VACCHO website and made available to any person who requests a copy.

VACCHO require all enrolling students to read and acknowledge their understanding of this policy and procedure through signing of the self-declaration found within the Enrolment Form.

VACCHO ensures an updated copy of this Policy and Procedure is available on its website at all times, including the related lodgement Forms.

Other Avenues for Lodging a Complaint/Appeal

VACCHO is committed to operating transparent business practices. Complainants/appellants are advised of their rights to complain to other appropriate parties. These include:

- ASQA: will be directed to:
<https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>
. There is no lodgement fee related with ASQA complaints.
- The National Training Complaints Hotline: will be directed to call 133 873. There is no fee related to lodging a complaint with the Hotline.
- Consumer Affairs Victoria: will be directed to call 1300 558 181 or access:
www.consumer.vic.gov.au There is no fee related to lodging a complaint with Consumer Affairs.

5. Additional Victorian Skills First Program Requirements

In addition to adhering to all requirements to maintain its registration by following the Standards for RTOs 2015 and all related requirements and directives from ASQA, the national VET Regulator, at all times, as outlined in this Policy and Procedure, VACCHO's Education Services ensures that it also adheres to the following additional requirements, as prescribed in the Standard VET Funding Contract, Skills First Program.

VACCHO is acknowledges and adheres to the Skills First Quality Charter, Principle 6, Responsive Feedback and ensures that through the mechanism outlined above, students can provide feedback on their training experience so that VACCHO can respond and improve the quality of its training services and overall student experience.

To meet its obligations, VACCHO:

- publish its Complaints and Appeals Policy and Procedure on its website
- commits to responding to, and co-operating with the department in its resolution of student complaints that are brought to the department's attention

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- participates in any performance improvement initiatives determined by the department.

6. Related Documents

- Complaint Form
- Appeal Form
- Fair Treatment and Equal Opportunity Policy and Procedure

This Policy and Procedure supplements the following VACCHO organisational Policy and Procedure/s:

- External Feedback and Complaints Policy and Procedure

7. Review and Authorisation

Responsible Positions

Authorising Officer: RTO Executive Director
Reviewing Officer: RTO Compliance Coordinator

Review

This Policy and Procedure is reviewed annually.

8. Definitions

Term	Definition
Appeal	Appeal means to call into question a formal decision or action instigated by a staff member of VACCHO in its capacity as a Registered Training Organisation (RTO).
Assessment Result Appeal	An assessment result appeal is the process by which a person disputes an assessment outcome. Students have the right to appeal an assessment outcome if they reasonably believe that they have been unfairly disadvantaged or discriminated against, or that their assessment result is inconsistent with the specifications of the Training Package.

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Complaint	A complaint is an expression of dissatisfaction where the complainant is seeking rectification/resolution in line with this Policy and Procedure.
Access and equity	Means policies and approaches aimed at ensuring that the training is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.
A complainant	Is the person making the complaint. This may include: <ul style="list-style-type: none"> • student and/or their parents/guardians and/or their families • a member of the public • an employee • a stakeholder, or • an employee of an engaged stakeholder or partnership body.
A grievance	Is or an informal complaint that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem.
Staff	Means any person who is an employee of VACCHO at any stage during the complaint and/or appeal process or the events preceding it, including full time, part time, sessional or casual employees.

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