

Complaints and Appeals Policy

Organisational Area

Registered Training Organisation
Community Programs

Authorisation

This policy was adopted by the CEO at North Ringwood Community House Incorporated in October 2019

Review Date

This policy will be reviewed every three years or sooner if required.

Scope

This policy is for anyone associated with NRCHI to bring a complaint and to appeal our decisions.

Objective

NRCHI aims to have a fair and equitable policy in place to handle employee, student and course participant complaints and appeals.

Policy

North Ringwood Community House acknowledges that sometimes problems can arise which cause people to feel aggrieved and we aim to have a fair and equitable policy in place to handle employee, student and course participant complaints and appeals. A complaint may be about training delivery or assessment, the quality of teaching, student amenities, discrimination, sexual harassment or any other issues which may arise.

Guiding Principles

Anyone associated with our organisation has the right to bring a complaint and to appeal our decisions. We support informal, consultative processes to resolve issues wherever possible, but we also have processes to deal with formal complaints and appeals. We will treat all people involved in any complaints process fairly and reasonably in line with the principles of natural justice.

- We will involve the person bringing the complaint ('the complainant') or appealing a decision ('the appellant') in decisions about how to resolve issues, will give them reasonable notice of any processes, and ensure our decisions are unbiased.
- We will treat all complaints and appeals in confidence, use independent people to hear formal complaints and will involve only those people who need to know, and then only with the complainant's permission.
- We will promptly act on any substantiated complaint, with the action in line with the seriousness of the complaint.

Important notes:

- This information is in the Enrolment Pack which every Accredited Student receives on enrolment.
- This policy will be displayed in the foyer of the Community House
- Where a complaint relates to unlawful harassment or discrimination including sexual harassment or gender or race-based harassment, the CEO must be notified and, with permission of the complainant, deal with it immediately and sensitively with the option of contacting an external support agency such as the Equal Opportunity & Human Rights Commission—phone 1300 292 153.
- In addition, if the complaint is about the CEO, the complaint must be dealt with by the Committee of Governance or another person, to be located with the support of an external agency such as the Dispute Settlement Centre of Victoria phone 03 9603 8370 or 1800 658 528.

The policy provides an avenue for most complaints to be addressed. However in some cases alternative measures may need to be explored. North Ringwood Community House will encourage the parties to approach a complaint/appeal with an open view and to attempt to resolve problems through discussion and conciliation.

1. Informal complaints

- Less serious issues may be raised with the person causing the problem. They may be unaware that there is an issue and by speaking to them it gives them a chance to redress the situation.
- Employees, Students and Course Participants may wish to raise a complaint as soon as possible with the CEO.

The process is as follows:

- i. With the complainant's permission, the informal process would usually involve meeting with the other person/people involved to discuss the problem and identify any options for resolution.
- ii. The informal complaint, and any agreements or outcomes should be recorded and placed on relevant student files.
- iii. If the complainant is not satisfied with the outcome of the informal process, or finds it difficult to approach others informally, they may submit the issue in writing (this becomes a 'formal complaint').

Formal complaints

- When an employee, student or course participant wishes to bring a formal complaint, the procedure will be discussed with them, and their options and choices clearly communicated. At this time, they can choose to have their complaint heard through the internal process or the external process and can choose to have someone be with them.

Formal resolution of a complaint involves the following steps:

- i. Complaints must be made in writing to the CEO and should be a brief statement of the complaint and any relevant details including the complainant's contact details.
- ii. The complainant must sign and date the statement.
- iii. The CEO will offer the complainant the opportunity to formally present their case with another person of their choice to assist if required.
- iv. The CEO must be independent of the issue; that is, they must not be directly involved in the matter. If this is not the case the CEO or a person from an external agency may hear the complaint.
- v. The CEO will record full details of the complaint, including: defining the problem; taking details of others involved and any informal processes already undertaken; recording any relevant events and dates and taking; any suggestions from the complainant about how the issue could be resolved.
- vi. The CEO will discuss processes for investigation and resolution with the person who brought the complaint.
- vii. Others involved will be provided with the right of reply to the complaint and mediation might be involved if appropriate. Once a decision has been made by the CEO, it will be discussed with the person bringing the issue forward, and put in writing to them and others as applicable. All resolutions will include clear timelines for any action.
- viii. Others involved will be provided with a right of reply to the CEO who will follow up within an agreed timeframe to ensure the resolution is working.
- ix. NRCHI will attempt to complete the process within 14 days of receiving the complaint. If this is not possible, the CEO will provide notice to the complainant nominating a date for the completion of the process.

If the complaint is serious (eg assault, stalking, theft) the Respondent, at the discretion of the CEO, may be suspended during the investigation. NRCHI has an obligation to report serious incidents to the Police.

2. Information retained regarding complaints

Investigations will be treated confidentially. The CEO will ensure records are kept as follows.

- The original complaint, the response, and all follow-up and notes related to the specific complaint will be filed in the 'Complaints' file in the CEO's office.
- Personal files of people involved will also contain relevant details, for example action to be taken.
- While this information is kept strictly confidential, complaints in general will be considered annually as part of the annual internal audit where the procedure for handling complaints will also be reviewed to ensure appropriateness.

3. Appeals overview

Anyone can appeal any of our decisions by providing information in writing to the CEO, preferably as soon as possible after the decision.

It is likely that most appeals would relate to assessment decisions. This may occur in any assessment including RPL. If a Student/parent/guardian disagrees with an assessment decision, they are encouraged to discuss this with their assessor in the first instance. However they may make a formal appeal concerning the decision.

While we prefer to deal with complaints internally, sometimes students/parents/guardians might not be happy with this process. The complainant may choose to have their complaint resolved through the external process either at the beginning, or at any time throughout the resolution process.

4. Appeals process

The appeal follows the procedure outlined below. The employee, student or course participant may choose to follow the internal appeals process, or seek external support for an appeals process.

- An appeal about an assessment decision should be provided in writing to the CEO within 14 days of receiving notice of the assessment outcome. The appeal must include details of: the unit or units of competency; the assessment time and place; why they are appealing; any further information or evidence to support their appeal.
- The CEO will offer a re-assessment with another internal assessor. If this is not satisfactory to the appellant, the appeal will be referred to an assessor from another RTO.
- The assessor will re-assess the student (or review evidence presented) and make a judgement.
- Appeals about any other matter will be handled in line with our complaints procedures.
- We will attempt to complete the appeals processes within 14 days of receiving the appeal notification. If a longer period of time is required, the CEO must inform the appellant in writing including the new date for the completion of the appeal.

5. Appeals decisions and records

- CEO will provide the outcomes of the appeal in writing to the person bringing the appeal, including reasons for the decision.
- The person managing the appeal will place a copy of information on the appeal and outcomes to the relevant personal files, and will use the more general information in the review of assessment procedures for the course or unit.

6. Mandatory Reporting

Where the NRCHI receives evidence of matters that must be reported under mandatory reporting obligations, such as child protection laws, the Trainer/staff member receiving the complaint will immediately report such matters in accordance with the NRCHI's legislative obligations. They should consult with the CEO on allegations of this type.

7. Harassment (sexual, racial, bullying)

Sexual harassment or offensive conduct includes any non-reciprocated behaviours of a sexual nature and could include, but is not limited to:

- sexual flirtations, lewd comments, dirty jokes, or inappropriate language
- physical contact, including touching, kissing, patting or pinching in a sexual way
- advances and requests for sexual favours either under threat or for reward
- verbal abuse of a sexual nature, sexually degrading words or innuendo or visual displays in the workplace of derogatory objects, pictures or calendars
- sexually explicit conversation, offensive or nuisance telephone calls, letters or emails.

Other harassment, such as racial harassment or bullying, could relate to other characteristics that a person holds and could be unlawful under anti-discrimination legislation. This could include, for example, harassment based on race, nationality, family status, ethnicity or disability.

Any employee, student or course participant who believes that they have been subject to unwelcome sexual harassment or other bullying or harassment, should attempt to act upon this as soon as possible if they can do so. This could include telling the person making the comments or actions that their behaviour is not acceptable and should cease; they could also seek assistance of others if needed.

Where the harasser has been confronted and the unwelcome harassment continues, or where the employee, student or course participant cannot confront the harasser, they should contact the CEO to discuss the issue, and this could include lodging a written complaint. The complaint shall include the names of individuals concerned, details of the unwanted behaviour and the names of any witnesses present.

8. Making a complaint in relation to harassment

- When a complaint of harassment has been formally lodged, the CEO, with permission of the complainant, will immediately undertake a timely, effective, objective and confidential investigation in line with our Complaints and Appeals Procedures.
- In the case of a complaint of sexual or other discrimination or harassment, the CEO will deal with the complaint immediately and sensitively (in contact with an external support agency such as the Equal Opportunity Commission—phone 03 9281 7111).
- If the complaint is about CEO, the complaint must be dealt with by the Chairperson of the Committee of Governance or another person, with the support of an external agency such as the Dispute Settlement Centre of Victoria phone 03 9603 8370 or 1800 658 528.
- All employees will be expected to co-operate with any investigations.
- Any employee or student/participant/committee member determined to be inappropriately or unacceptably sexually or racially harassing or bullying another person will be subject to appropriate disciplinary action, up to and including termination of enrolment or employment status.
- NRCHI has an obligation to report serious incidents to the Police and Worksafe.

- NRCHI will not discriminate against any person for filing a harassment complaint or for participating in any investigation and will not tolerate any discrimination in relation to a complaint.

9. Policy Distribution

This policy will be available:

- In Student handbooks
- In Staff handbooks
- On Noticeboard in Foyer
- On Moodle site
- On NRCHI Web page

10. Contact information—external bodies

The following groups and organisations could be consulted for more information or to help with dispute resolution.

- **Victorian Registration and Qualifications Authority (VRQA)**
Complaints Unit Phone: 9651 3291 Fax: 9651 3266
vrqa.complaints@edumail.vic.gov.au

The VRQA hold training providers to account and can improve the quality of our education and training system. VRQA encourage students to raise issues when they arise. The VRQA can investigate complaints about breaches of standards and guidelines by training organisations in Victoria that are registered with them, like North Ringwood Community House. Although they cannot investigate all types of complaints, if they are not the right authority to help the student with their issue, they can direct people to the right place.

- **WorkSafe** <http://www.workcover.vic.gov.au/wps/wcm/connect/WorkSafe>

- **Dispute Settlement Centre of Victoria**

Level 4, 456 Lonsdale Street Melbourne 3000 Phone: 9603 8370
1800 658 528 Fax: 9603 8355

Toll Free:

email: dscv@justice.vic.gov.au URL: www.justice.vic.gov.au/disputes

- **Consumer Affairs Victoria**

Level 2, 452 Flinders Street Melbourne 3000 Phone: 1300 558 181
email: consumer@justice.vic.gov.au

- **Equal Opportunity and Human Rights Commission Victoria**

Level 3, 380 Lonsdale Street Melbourne 3000
Toll free: 1800 292 153