



Policy & Procedure

COMPLAINTS AND APPEALS POLICY & PROCEDURE

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Responsible Person:	CEO	Reviewed by:	CEO
NRCHI Area:	Operational / Risk	Review Date:	10/07/2023
Approved and adopted by:	Board of Governance	Next Review Date:	July 2026

Scope

This policy applies to all staff (paid and volunteer), contractors, Board of Governance, patrons and students receiving, managing, or submitting complaints regarding our services, staff, or our complaint handling process.

Purpose

This policy will provide direction and guidance for all staff, contractors, Board of Governance members, patrons and students on utilising a fair and equitable process when managing employee, volunteer and patron and student complaints and appeals. This Policy will work together with NRCHI **Code of Conduct Policy**, NRCHI **Confidentiality Policy**, NRCHI **Records Management Policy** and other related policies and comply with the Australian Quality Standards Framework (AQTF) 2010 and the Victorian Registration and Qualifications Authority (VRQA) Guidelines for VET Providers and meet contractual obligations of funding and service agreements with governments.

Policy Statement

North Ringwood Community House Inc (NRCHI) acknowledges that sometimes problems can arise which cause people to feel aggrieved and we aim to have a fair, efficient and effective process in place to handle employee, volunteer, patron and student complaints and appeals.

Anyone associated with NRCHI 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. This 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 Inc will encourage the parties to approach a complaint/appeal with an open view and to attempt to resolve problems through discussion and conciliation.

We aim to resolve the majority of complaints received through an early resolution process. We will promptly act on any substantiated complaint, with appropriate action in line with the seriousness of the complaint.

Appeals regarding assessments for Accredited Courses will be dealt with via the appeals section of this Policy and in accordance with the requirements of the Australian Quality Standards Framework (AQTF) 2010 and the Victorian Registration and Qualifications Authority (VRQA) Guidelines for VET Providers.

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This policy is contained in the Enrolment Pack which every Accredited Student receives on enrolment. Where a complaint relates to unlawful harassment, discrimination or bullying including sexual harassment or gender or race-based harassment, the CEO must be notified, who, with permission of the complainant, will deal with it immediately and sensitively in accordance with the NRCHI Bullying policy or the Sexual Harassment policy, whichever is relevant, with the option of contacting an external support agency such as the Equal Opportunity & Human Rights Commission.

Where the complaint relates to an allegation of child safety or abuse, the complaint will be managed by the CEO in accordance with the NRCHI Child Protection Policy and/or the Child Safety & Wellbeing Policy.

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

NRCHI has a legal obligation to report serious incidents to the Police and/or WorkSafe.

All files and records created from an investigation will be retained under strict security and unauthorised release of information to someone else not involved in the investigation (other than staff who need to know to take appropriate action, or for corporate governance purposes) without the person's consent will be regarded as a breach of this policy, the person may be subject to appropriate action, including the full options of disciplinary action.

What is a complaint?

A complaint is an expression of dissatisfaction by one or more members of the public, staff or volunteer about an action or lack of action, or about the standard of service provided by or on behalf of NRCHI and may be about:

- Our services or dealings with individuals including the quality of teaching, training delivery or assessment, student amenities, discrimination, sexual harassment or any other issues which may arise
- Allegation of misconduct by a staff member, a volunteer or another individual associated with NRCHI
- The alleged inadequate handling of a prior complaint or concern
- Concern for Child Safety

Informal complaints

An Informal complaint means a matter that requires follow-up action or investigation by the NRCHI to resolve the matter without a formal process. It usually involves less serious issues and may be resolved directly with the person or persons responsible for the subject matter of the complaint.

Formal Complaints

A Formal complaint is a complaint made in writing by an individual who has provided their contact details and written signature for the complaint and requires investigation and a formal resolution.

Child Abuse complaints

A complaint regarding child abuse may involve the following:

- Disclosures of abuse or harm made by a child or young person
- The conduct of a child or young person at NRCHI
- The inadequate handling of a prior concern
- General concerns about the safety of a group of children or activity

Anonymous complaints

Anonymous complaints will not normally be investigated, as there is always the possibility that they are vexatious or malicious and the anonymity of the complainant would not enable the principle of natural justice and procedural fairness to be upheld. However, in certain circumstances NRCHI may initiate an investigation where there is a serious risk identified or where there is sufficient information provided to enable a thorough investigation to be conducted.

Appeals

Appeals include:

- 1) A request for a review of an assessment of results for Accredited Courses, including assessments for Recognition of Prior Learning (RPL).
- 2) A request for a review of a decision following investigation of a complaint other than course assessments.

The appeals process is designed to ensure that the appellant has been treated fairly and consistently in the consideration of their complaint. Appellants may choose to follow the NRCHI internal appeals process, or seek external support for an appeal.

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

Procedure

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.

Informal complaints

- Individuals wishing to make a formal complaint will be referred to the CEO who will discuss the matter with the complainant and offer suggestions for resolving the complaint.

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- The informal complaint should be recorded and include the date and details of the complaint.
- With the complainant's permission, the informal process may involve meeting directly with the other person/people involved to discuss the problem and identify any options for resolution. If the complainant finds it difficult to approach others, they may request a facilitator to assist with this process.
- If the complainant is not satisfied with the outcome of the informal process, they may submit the issue in writing (this becomes a 'formal complaint').

Formal complaints

- If a formal complaint is about the CEO or the CEO has had any involvement with the issue under investigation, it will be referred to the Board of Governance for resolution.
- All other Formal complaints will be managed by the CEO who will acknowledge a complaint within 5 working days of receipt of the complaint.
- All complaints and appeals will be treated 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.

Formal resolution of a complaint involves the following steps:

- Complaints must be made in writing to the CEO preferably using NRCHI Complaints Form and should be a brief statement of the complaint and any relevant details including the complainants name and contact details and their preferred method of communication.
- The CEO will discuss the procedure with them, and ensure their options and choices are clearly communicated. At this time, they can choose to have a support person to accompany them.
- 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.
- The CEO will discuss processes for investigation and resolution with the person who brought the complaint.
- **If the complaint is serious** (e.g. 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.
- 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

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person bringing the issue forward, and put in writing to them and others as applicable. All resolutions will include clear timelines for any action.

- Others involved will be provided with a right of reply to the decision.
- The CEO will follow up within an agreed timeframe to ensure the resolution is working.
- 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.

Child Abuse complaints

- If a staff member, volunteer or contractor becomes aware of an incident or allegation of abuse, the first responsibility is to ensure that the child or children are safe and the risks of further abuse or harm are mitigated. The staff member receiving the complaint will immediately report such matters to the CEO.
- The CEO will manage the complaint in compliance with the NRCHI's Child Protection policy.

Reporting child abuse complaints where required

- The CEO will establish whether the complaint should be reported to the relevant Authorities in compliance with NRCHI's Child Protection Policy and reporting obligations under child protection laws.
- The CEO will report allegations of child abuse to the Board of Governance as soon as is practicable.

Appeals

1) **A request for a review of an accredited course assessment, including assessments of Recognition of Prior Learning (RPL).**

It is likely that most appeals would relate to assessment decisions for accredited courses. This may occur for any assessment including an assessment for RPL.

Students are encouraged to communicate their concerns immediately with their trainer/assessor. The trainer will try to resolve the matter with the student. If the student cannot address the issue with the trainer (including if they are uncomfortable with doing so), they are encouraged to request a review by the Course Coordinator.

Where the trainer/assessor is the Course Coordinator, students may make a formal appeal to the CEO.



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An appeal about an assessment decision should be provided in writing to the CEO within 14 days of receiving notice of the assessment outcome. Appeals made after this period will not be accepted unless there are extenuating circumstances accounting for the delay. Extenuating circumstances may include, but are not limited to, illness, family or personal matters, or other reasons that are out of the ordinary circumstances. The decision of assessing the extenuating circumstances rests with the CEO and shall be assessed on a case-by-case basis.

The formal 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 the 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.

2) A request for a review of a decision following investigation of a complaint

Appeals about any other matter will follow the procedure outlined below.

The employee, volunteer or patron may choose to follow the internal appeals process, or seek external support for an appeals process.

An appeal about a decision should be provided in writing to the CEO within 14 days of receiving notice of the outcome.

The appeal 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.

The CEO will consider any further information provided regarding the process of the investigation.

NRCHI 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.

While we prefer to deal with complaints internally, sometimes the complainant 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.

Appeal decisions

The CEO will provide the outcomes of the appeal in writing to the person bringing the appeal, including reasons for the decision.

Record keeping

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The CEO will ensure records are kept securely in compliance with NRCHI Records Management Policy as follows.

- The original complaint, the response, and all follow-up and notes and any information relating to appeals 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 any agreed action to be taken.
- All documentation relating to a student request for re-assessment will be kept securely in the individual student file.

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: 03 9603 8370 Toll Free: 1300 372 888
URL: <https://www.disputes.vic.gov.au/>
Postal address: GPO Box 4356 Melbourne VIC 3001
- **Consumer Affairs Victoria**
Level 2, 452 Flinders Street Melbourne 3000
Phone: 1300 558 181
email: consumer@justice.vic.gov.au
- **Victorian Equal Opportunity and Human Rights Commission**
Level 3, 204 Lygon Street, Carlton 3053. Phone 1300 292 153. (weekdays 10am-2pm)
URL: <https://www.humanrights.vic.gov.au/>
Email: enquiries@veohrc.vic.gov.au

Related Documents

- Complaints Form
- Records Management Policy
- Sexual Harassment Policy
- Bullying Policy
- Occupational Health and Safety Policy
- Emergency Policy
- Critical Incident Policy
- Safety of Students Policy
- Equal Employment Policy
- Confidentiality Policy
- Incident Report
- Child Protection Policy

Related Legislation

Australian Quality Standards Framework (AQTF) 2010

Victorian Registration and Qualifications Authority (VRQA) Guidelines for VET Providers

Document Locations

Electronic file folders accessible by NRCH Administration staff

Student Enrolment Pack

Policy & Procedure Manual

Website

Staff Noticeboards

Reception Noticeboard

Date reviewed	Version	Details of changes (if any)	Date of next review
2/10/2023	14	Re-instatement of RTO requirements	October 2026