

Complaints, Appeals and Reviews Policy

Policy Objectives

To manage and respond to grievances and complaints involving the conduct of:

- TAFE Gippsland;
- Educators or other staff;
- a third-party providing services on behalf of TAFE Gippsland, its trainers, assessors, or other staff; or
- a learner of TAFE Gippsland.

To explain the Institute's commitment to an effective complaints and appeals management process and the action to be taken when a learner (including VCE/VCAL learners or their parents/guardians), customer, staff member, client, employer, or member of the public registers a complaint, appeal or compliment.

To provide a transparent, fair, and equitable appeal and review process in cases where complainants remain unsatisfied with the resolution provided by TAFE Gippsland.

To explain how feedback will be used to drive continuous improvement.

This policy is to be read in conjunction with **CMT006PRO – Complaints, Appeals and Reviews procedure**.

Scope

Complaints, appeals and compliments may be lodged by anyone about any matter to do with the operation of the Institute, or of third parties providing services on behalf of the Institute.

This includes learners accessing VET Student Loans assistance as per section 88 of the *VET Student Loan Rules 2016*.

This policy applies to all TAFE Gippsland Directors, staff, contractors, volunteers, students and other third parties raising grievances and complaints.

Commitment

General Principles

TAFE Gippsland is committed to providing an elevated level of customer service to its learners, potential learners, industry, and other members of the community. The intent of this policy is to encourage feedback, whether positive or negative from all stakeholders and to describe how this feedback will be used to make TAFE Gippsland better.

The principles of natural justice and procedural fairness will apply. TAFE Gippsland undertakes to provide a mechanism which allows for the fair and equitable resolution of any issues.

Issues identified during reviews will be addressed through internal business improvement processes.

This policy has been prepared in consideration of:

- *Standards for Registered Training Organisations 2015;*
- *VRQA Guidelines for Non-school Senior Secondary Education Providers;*
- *VET Student Loan Rules 2016;* and
- *Skills First Quality Charter – Department of Education and Training (Victoria)*

As a Registered Training Organisation and provider of Nationally Recognised Qualifications, TAFE Gippsland welcomes feedback from all learners, parents/guardians, potential learners, industry and other members of the community to establish best practice, and to promote continuous improvement of our services.

Grievances can be raised verbally with any TAFE Gippsland staff member.

There is no cost imposed by TAFE Gippsland to the complainant in making or resolving a grievance; however, an external agency engaged for support may choose to charge the complainant a fee for service.

All customers, clients, contractors, and staff are advised of this policy and of the processes available for handling and resolving complaints and appeals. This policy will be published and available on TAFE Gippsland's website.

Informal and formal approaches

Complaints can be lodged either informally or formally.

Informal options to address a grievance could include a conversation either face to face or via electronic means between learner/s, educators or other staff members, for example customer support staff. If the matter is addressed to the satisfaction of the complainant, then the issue would be deemed closed with no further action required.

A more formal approach uses the form **CMT006FOR1 – Comments, Complaints and Compliments Form** that can be completed online or downloaded from the TAFE Gippsland Website.

Resolution may include:

- TAFE Gippsland providing the service requested;
- relevant parties taken certain actions;
- mediation, counselling, advocacy and support;
- referrals to Student Support Services. Or
- compensatory action.

In the first instance, TAFE Gippsland will endeavour to resolve any issue – academic and non-academic - through informal processes of discussion and negotiation between the complainant and relevant staff and/or management. TAFE Gippsland expects staff to fulfil their professional duty to address the concerns of customers and to act responsibly when dealing with complaints or grievances.

Where this informal process fails to achieve resolution of the grievance, a formal complaint may be lodged. TAFE Gippsland will promptly manage all complaints, grievances, appeals and feedback, including positive feedback, without prejudice or bias, and will at all times be honest and fair in dealing with those making complaints, grievances and/or providing feedback. Any matter being investigated as a complaint/grievance/appeal will be treated with strict confidentiality and objectivity.

Investigations

Any investigation is to be pursued in strict confidence and the details of complaints should only be disclosed to staff on a 'need to know' basis, notwithstanding the principles of natural justice. All parties, whether staff, learners' parents/guardians or members of the public, must maintain confidentiality.

A complainant may be accompanied or assisted by a third party during any part of the formal complaint or internal appeals processes.

The Institute's learner support staff are available to provide general support and wellbeing advice to the complainant at any stage of the process.

An external investigator should be considered for appointment where the:

- outcome of the investigation could have significant consequences; or
- the designated internal investigator, or
- the Institute is significantly conflicted; or
- the Institute lacks the specific expertise required.

Timeliness

In all cases complaints or appeals will be finalised as soon as practicable. Straightforward issues should be resolved, and a report generated within five (5) business days. For more complex or significant issues the default service standard will be ten-twenty (10-20) business days.

Where the matter requires more than 60 calendar days to investigate and finalise, TAFE Gippsland will:

- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly update the complainant or appellant on the progress of the matter.

Appeals

TAFE Gippsland offers a transparent, fair and equitable internal appeals process and will offer an external review process where satisfactory resolution of complaints cannot be achieved.

Where a complainant remains dissatisfied with the outcome of the complaint and having exhausted informal avenues and the TAFE Gippsland complaints process, they are entitled to lodge an appeal with the TAFE Gippsland Appeal and Review Panel.

The appeals process includes three steps:

1. a written application for appeal is lodged with the Director Academic Governance;
2. appeal is conducted by the TAFE Gippsland Appeal and Review Panel and
3. the applicant is informed of the outcome of the appeal, the reasons for the decision and options to have the appeal process reviewed.

There is no standard application template, although an application must include:

- a clear and concise description of the reason for the appeal. Applicants are encouraged to focus on up to three key issues that they feel aggrieved about; and
- a clear and concise description of the outcome(s) sought.

For appeals regarding assessment results the TAFE Gippsland Appeal and Review Panel (3 members) will be chaired by the Director Academic Governance or appropriate representative and will consist of a qualified assessor from the teaching team not associated with the appeal, and the Manager Curriculum and Innovation or appropriate delegate.

For all other appeals the TAFE Gippsland Appeal and Review Panel (3 members) will be chaired by the Director Academic Governance or appropriate representative and will consist of the Academic Registrar or appropriate delegate, and an appropriate representative from the Student Support Services Team. Panel members must ensure they fully understand the VET Student Loan process (**TLN029PRO – Managing VET Student Loans Procedure**).

No members of the TAFE Gippsland Appeal and Review Panel are to be involved in the original complaint decision making process.

An appeal may lead to:

- the original decision being upheld; or
- rejection or amendment of the complaint resolution leading to some form of Institute redress.

If the appellant is invited to the Panel hearing and does not attend, without cause or notification, the appeal will be immediately dismissed.

The panel decision will be by majority vote. If required, the Chair will have the casting vote. The panel will endeavour, wherever possible, to reach a decision at the conclusion of the Review meeting. If no decision is made at the conclusion of the meeting, it must be made within five (5) working days after the Review meeting.

Independent External Review

Where the appellant is not satisfied with the appeal process, they will be advised of options to seek an independent external review. The appellant will be encouraged to investigate any costs associated with an independent external review.

Unresolved Issues

Additional avenues of support and investigation relating to unresolved issues can be accessed by complainants. These exist outside the scope of TAFE Gippsland's formal complaint, internal appeals and external review process. Contact and contextual information is provided here to assist complainants who may wish to contact these services.

Victorian Ombudsman

The Victorian Ombudsman's role is to ensure fairness for all Victorian in their dealings with public authorities (including TAFEs) and to improve public administration. The Ombudsman's services are free.

The Ombudsman can make enquiries and assist in resolving complaints informally. The Ombudsman can also investigate individual complaints or systemic problems and make recommendations for change if necessary.

Victorian Registration and Qualifications Authority (VRQA)

Delivery to VCE learners is regulated by the VRQA by means of the **Guidelines for Non-school Senior Secondary Providers**. VCE learners who, having first raised their concerns with TAFE Gippsland and allowing a reasonable time for the Institute to respond, may raise a complaint with the VRQA who will investigate complaints alleging a breach of the Standards.

The VRQA is not a mediating body but may investigate whether the processes used by TAFE Gippsland were fair and consistent with its stated policies.

Administrative Appeals Tribunal

Should an external review decision not be in favour of the complainant, the complainant may wish to contact the Administrative Appeals Tribunal (AAT) at:

Deputy Registrar
 Administrative Appeals Tribunal
 Level 4/15 Williams St, Melbourne Vic 3000 Tel: 1800 228 333
<http://www.aat.gov.au/contact-us>

Continuous Improvement

In some instances, investigation will identify grounds for continuous improvement or even systemic issues that require review of existing business processes or the development of new ones.

The Manager Quality and Audit will be responsible to ensure that Institute-wide preventive and corrective action is taken to eliminate the root cause of complaints and improve the quality of products and services.

Records Management

TAFE Gippsland will securely maintain records of all complaint outcomes.

Appeal and review outcomes will be recorded, documented and securely maintained.

All complaint, appeal and review-related documentation, including review outcomes, is treated as confidential.

A copy of the review outcome will be sent to the Institute's Academic Registry and will be retained on record for at least five (5) years. In accordance with the **CMT0023POL – Privacy Policy**, parties to the complaint will have appropriate access to their records.

Issues regarding Academic Assessment

Where a grievance is more specifically focused on issues regarding academic assessment, learners should use **TLN007POL – Assessment Appeals Policy**.

Issues regarding Learner Misconduct

Where a learner wishes to appeal a decision with respect to learner misconduct this should be addressed in conjunction with the TAFE Gippsland policy **TLN012POL - Managing Learner Misconduct Policy**.

Roles and Responsibilities

Staff

All staff are responsible for:

- listening to grievances;
- discussing grievances with the complainant;
- attempting to negotiate a satisfactory outcome (informal grievances);
- escalating the complaint to the immediate supervisor where an outcome cannot be reached;
- assisting a complainant making a verbal complaint by completing form **CMT006FOR1 – Comments, Complaints and Compliments Form** on behalf of the complainant; and
- submitting all paper-based formal feedback to qa@tafegippsland.edu.au;

Manager Quality and Audit or Quality Administration Officer

The Manager Quality and Audit and Quality Administration Officer are responsible for:

- registering all customer feedback in the Customer Feedback Register;
- send an acknowledgment of receipt in writing to the complainant within 2 business days.

Manager Quality and Audit

The Manager Quality and Audit is responsible for:

- managing the investigation of any grievance;
- nominating an investigator independent of the decision being reviewed;
- recommending to the Director Academic Governance any preference for an external investigator for a particular grievance;
- ensuring that the complainant is advised of the outcome and the reasons for the outcome;
- providing correspondence to the learner's parent or guardian where the learner under the age of 18 years;
- maintaining the Customer Feedback Register and files of all documents relating to each complaint ;
- providing advice on appeals processes;
- making recommendations to the Director Academic Governance for compensatory action where it is deemed that the initiator may have been disadvantaged;
- ensuring that Institute-wide preventive and corrective action is taken to eliminate the root cause of complaints and improve the quality of products and services.

Director Academic Governance

The Director Academic Governance is responsible for:

- deciding whether an external investigator will be appointed based on the recommendation of the Manager Quality and Audit;
- considering and decision on any recommendations from the Manager Quality and Audit for compensatory action;
- accepting applications for appeal by a complainant;
- communicating the outcomes of an appeal;
- advising appellants not satisfied with the appeal process of options to seek an independent external review;
- giving consideration to recommendations arising from any independent external review

Related Legislation/Regulation

- [VET Student Loans Act 2016](#)
- [VET Student Loans Rules 2016](#)
- [Standards for Registered Training Organisations 2015](#)

Related Policy and Procedures

- CMT006PRO – Complaints, Appeals and Reviews Procedure
- CMT0023POL - Privacy Policy
- TLN007POL – Assessment Appeals Policy
- TLN012POL - Managing Learner Misconduct Policy
- TLN029PRO – Managing VET Student Loans Procedure

Related Documents

- CMT006FOR1 – Comments, Complaints and Compliments Form
- [Office of the Victorian Ombudsman](#)
- VRQA Guidelines for Non-school Senior Secondary Providers
- [Skills First Quality Charter – Department of Education and Training \(Victoria\)](#)

Definitions

Academic matters	Includes those matters which relate to student progress, assessment, curriculum and awards in a TAFE Gippsland course of study.
Procedural Fairness	According to the Australian Law Reform Commission ‘Procedural fairness’ means acting fairly in administrative decision making. It relates to the fairness of the procedure by which a decision is made, and not the fairness in a substantive sense of that decision. See: https://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-report-129/14-procedural-fairness-2/procedural-fairness-the-duty-and-its-content/
Appeal	Means an escalation step available to a learner if the learner is dissatisfied with the outcome of a formal grievance resolution decision.
Appellant	Appellant a person who is appealing a decision made under this policy.
Complaint	A statement that something is unsatisfactory or unacceptable
Complainant	Person making the complaint
Natural Justice	Denotes a range or rights and protections, including: the right to a fair and prompt hearing; presumption of innocence until proven guilty; the right to attend hearing with an advocate, if required; the opportunity for all parties involved to be heard; the respondent having full knowledge of the nature and substance of the complaint; the complainant not determining the outcome, but may be a party to it; the right to an independent, unbiased decision-maker; a final decision that is based solely on the relevant evidence.

Natural Justice principles	<ul style="list-style-type: none"> • The right of an individual to know the allegation(s) being made against him or her • The right of each party to be heard (including in writing) in respect to the allegations • The right of each party to be treated fairly • The right of each party to an investigator and a decision maker who acts fairly and in good faith; and • The right that a decision is based on evidence
Non-academic matters	<p>Includes those matters which do not relate to student progress, assessment, curriculum and awards in a TAFE Gippsland course of study and includes complaints in relation to personal information that TAFE Gippsland holds in relation to the student.</p>

Version Control

Item	Summary of Update	Version	Review Date
1	Original Policy Document	1.0	01/01/2015
2	Renamed from Customer Feedback	1.1	14/04/2016
3	Table of Procedure for complaints added	1.2	22/08/2016
4	Procedure table removed and more detail included in registration of complaints process.	1.3	30/11/2016
5	Clause 6. Unresolved Complaints. Clause advising external assistance with complaints is available through the Victorian Ombudsman. Title changes due to restructure	2.0	27/11/2017
6	Independent Review Body updated from RSM Bird Cameron to McMahon Consultancy. Address of Administrative Appeals Tribunal amended.	2.1	21/09/2018
7	Procedure rebranded – TAFE Gippsland	3.0	16/05/2019
8	Titles updated, minor improvements in expression made	4.0	06/04/2021
9	TL 034 Grievances, Appeals and Reviews Procedure merged with this procedure. Additional principles of investigation included, definitions added, language made more accessible, content relevant to VCE/VCAL cohorts included	5.0	30/08/2021
10	Further finessing of procedure to reflect merger of TL034 Grievances, Appeals and Reviews Procedure with this procedure including more explicit reference to appeals, roles and responsibilities and independent external reviews.	6.0	20/10/2021
11	Document reviewed and updated to adopt new template and naming conventions. Separation of policy and procedure.	6.1	13/02/2023

Appendices

Nil.