

# 103 Complaints and Appeals Policy

## Purpose

1. Complaints provide organisations with information about service delivery faults and organisational weaknesses. Complaint handling can be effective in resolving a problem before it gets worse, providing a remedy to the affected individual(s) who has suffered disadvantage, and nurturing good relationships between Community College Gippsland (CCG) including ECG College and its community.
2. This policy is based on providing and maintaining training services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. The CCG process provides adequate opportunity for complaints and appeals to be forwarded to CCG management in a timely, confidential and sensitive manner.

## Policy

3. The purpose of this Policy is to:
  - a. ensure that the CCG environment is harmonious and free from intimidation, harassment and other unfair treatment;
  - b. promote clear, honest and open communication;
  - c. provide a timely and effective mechanism for staff, students and others to express their concerns or make complaints when they occur so that options for a resolution can be identified as soon as possible;
  - d. define what complaints can be handled under this Policy;
  - e. ensure concerns and complaints are handled impartially, justly, confidentially and with the appropriate sensitivity;
  - f. define the responsibilities and rights of staff, students, visitors and managers in resolving concerns and complaints.

## Scope

4. This Policy applies to all staff, students, clients, and stakeholders of CCG.
5. This Policy does not apply to decisions of the CCG Board.

## Definition of a Complaint

6. A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.
7. CCG has set down special procedures for the handling of certain types of complaints, for example these include appeals about assessment outcomes and concerns raised by members of the public. The procedures for dealing with these complaints are specifically identified in the complaint procedures approved under this Policy.
8. A complaint can be formal or informal.

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# Responsibilities

9. The Chief Executive Officer (CEO) is responsible for:
  - a. providing leadership in demonstrating a commitment to the resolution of complaints made to CCG;
  - b. ensuring there is an effective, timely, impartial, and just system for dealing with complaints;
  - c. making final decisions relating to complaints within the CCG process.
10. The Senior Management Team are responsible for:
  - a. Ensuring that all complaints are registered in the CCG Complaints Register and where corrective action is required that the CCG Complaints Register is appropriately completed.
11. The Principal, managers, teachers and supervisors are responsible for:
  - a. exercising primary responsibility for receiving and resolving complaints and any conflict in their areas in a timely and fair way;
  - b. advising people of their right to make a complaint where appropriate;
  - c. providing advice and assistance to people who have a complaint.
12. Complainants are responsible for:
  - a. providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
  - b. engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
  - c. responding to CCG requests for information in a timely manner;
  - d. respecting those individuals involved in the complaint handling process.
13. Respondents are responsible for:
  - a. providing a clear and honest account of their concerns and their expectations for the outcome of the complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
  - b. engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
  - c. responding to CCG requests for information in a timely manner;
  - d. respecting those individuals involved in the complaint handling process.
14. Complainants have a right to have a support person involved with any processes regarding a complaint. The following people may be considered as support persons:
  - a. Youth Workers;
  - b. Teacher or trainer who is not directly involved in the matter;
  - c. Fellow students or staff members not directly involved in the matter;
  - d. Friend or family of the complainant's choice.
15. Complainants have the right to at any time during the complaint and appeal process to seek the advice or mediatory services of an external independent body for example the Dispute Resolution Centre of Victoria. Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services.

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# Complaint Handling Principles

16. The following principles underpin CCG’s complaint handling processes:
- a. **Access:** this Complaints and Appeals Policy and its associated procedures should be easily accessible, simple to understand and well-publicised to ensure ease of implementation. All members of the CCG community should understand how to receive and pass on complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised; to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised. All members of the CCG community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns. Each Complaints Procedure shall abide by this and all other Principles espoused in this overarching Policy.
  - b. **Natural Justice and Procedural Fairness:** all parties will be afforded natural justice and procedural fairness in the handling of complaints by the CCG including:
    - ensuring that all parties to a complaint know what to expect during the complaint handling process;
    - carrying out the complaint handling process in a transparent manner;
    - providing all parties with equal opportunity to participate in the process;
    - treating all parties in a respectful manner; and
    - providing reasons for decisions made.
  - c. **Equity:** actions and decisions in relation to complaints will be made having regard to the age, culture, disability, language, religion, gender and sexuality of the parties. The CCG will always endeavour to investigate concerns raised with it regardless of the manner in which they are expressed, having regard for clause 15 of this Policy. A complainant will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome. Complainants and respondents will be entitled to be assisted by a support person which may be a member of the person’s family, a friend, carer or other person (not being a solicitor, barrister or other legally trained person);
  - d. **Confidentiality and Recording:** the privacy and confidentiality of parties will be respected to the extent practicable and appropriate; with acknowledgment that matters may be subject to production under the Freedom of Information Act or may be subject to subpoena. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions; (refer clauses 9 and 21-23)
  - e. **Resolution:** where it is within CCG’s responsibility, fair and reasonable remedies will be offered where appropriate. There will be regular monitoring, review and reporting of complaints received and actions taken. The operation of the complaints handling process and findings will be reported to management and the Board to improve CCG’s service delivery and workplace environment. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of CCG’s policies and operating environment.
  - f. **Authority:** individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have (where

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specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.

- g. **Conflict of Interest:** Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.

## Rights of Staff Involved in Complaints

17. CCG staff are entitled at all times to be treated with respect and courtesy when handling complaints.
18. Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward staff, the CEO may decline to further consider the complaint and institute proceedings for misconduct against the person under applicable policies of CCG or refer the matter to an external agency.

## CCG May Decline Complaints

19. CCG may decline to deal with a complaint at any time where the CEO forms the view that:
- a. the complaint is:
    - frivolous
    - vexatious
    - not made in good faith
    - misconceived
    - lacking in substance
    - lacking in currency
  - b. a claim has been commenced (either by the complainant or the CCG) in a court or before another judicial authority;
  - c. the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency;
  - d. the subject matter of the complaint may be more appropriately dealt with by an external agency;
  - e. CCG has already dealt with the substance of the complaint in the past.

## Referral of Complaints

20. In general, CCG will consult with the complainant to identify how the complainant wishes the complaint to be handled and the outcomes the complainant is seeking without reference of the matter to third parties.
21. However, where the conduct complained about amounts to serious misconduct (e.g. serious risk to the health and safety of staff or students), to a criminal offence, or where mandatory reporting is legislated, CCG has an obligation to deal with the matter under the relevant rules and to refer the matter to the Police or other agency for investigation e.g. WorkCover.

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## Records

22. Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint. All records must be marked “Confidential”.
23. Only the people who are directly involved in the complaint, or in helping to resolve it, are to have access to information about the complaint.
24. All documentation of complaints managed under this Policy will be held by the CCG CEO. Complaint documentation is to be kept separate from personnel or student administration files, and these should be annotated only where a person has had a penalty imposed as result of disciplinary action as an outcome under this Policy.
25. Complaints relating to the Child Information Sharing Scheme and Family Violence Information Sharing Scheme, to meet regulatory requirements - refer to the CCG’s Child Information Sharing Scheme Policy for further information.

## Time Limits

26. The time limit set out in the procedures approved under this Policy must be complied with if reasonably practicable. It is recognised that time delays may be experienced where communication is required across campuses or with other external bodies. In exceptional circumstances, where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the complainant will be kept informed of the progress.
27. While staff must endeavour to comply with time limits, no action or determination made under the procedures is invalidated simply because a time limit is exceeded.
28. A reference to days means working days, that is, days on which the CCG ordinarily opens for business, unless otherwise stated.
29. After the investigation process is complete, the CEO (or delegated person) will provide a written response within fourteen (14) working days to the complainant, of the action taken and the reasons for the decision.
30. If, at any stage, the process exceeds the timelines stated, or more than 60 calendar days are needed to process and finalise the complaint; the RTO will:
  - a. inform the complainant in writing of the delay, including reasons why more than 60 calendar days are required
  - b. regularly update the complainant on the progress of the matter and ensure these are recorded in the Complaints Register.

## Decision Making

31. The overriding intent of the Complaints Policy and its associated procedures is to ensure that complaints are dealt with in a fair and impartial manner and that complaints are resolved in a timely and effective way.
32. Where the application of this Policy, or the procedures made under this Policy, would lead to a process or result that is inconsistent with the principles of natural justice or procedural fairness, or the adoption of a different approach would lead to a more timely and efficient resolution of a complaint, the staff member handling the complaint may vary the procedures

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to the extent necessary. In general, a decision to adopt procedures that are inconsistent with the procedures established by CCG should be discussed with the CEO before implementation and communicated to the parties, including the reasons for the decision.

## Appeals

33. All staff, students, and clients of CCG have the right to appeal decisions made by management and staff of CCG.
34. Procedures for dealing with appeals on assessment decisions are addressed by the relevant trainer/assessor in the first instance (refer Policy 634 Training and Assessment).
35. Where assessment decisions cannot be resolved between the student and relevant staff member then this Policy and Procedures will apply.
36. All decisions made by managers may be appealed to the CEO. Decisions made by the CEO under this Policy and associated Procedures can be appealed to the CCG Board for further decision.

## Independent Mediation & Consultation

37. At any time during the complaint and appeal process the complainant/appellant may seek the advice or mediatory services of an external independent body. The purpose of the external appeals process is to consider if CCG followed its student/client complaint and appeals policy and processes.
38. For complaints and appeals specific to Vocational Education and Training the National Training Complaints Hotline - Phone number 13 38 73 is available Monday to Friday from 8am to 6pm nationally.
39. For complaints and appeals specific not specific to Vocational Education and Training advice may be sought using an external independent body for example: the Dispute Resolution Centre of Victoria, a free mediation service, which may be accessed via telephone Toll Free 1800 658 528 or email [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)
40. Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services.

## Relationships

### Internal:

- 411 Bullying, Harassment and Discrimination
- 623 Student Code of Conduct Policy
- 623 Student Disciplinary Procedure
- 625 Student Behaviour Management Policy and Procedure
- 134 Child Information Sharing Scheme Policy
- Parent and Student Handbook
- Employee Handbook

### External:

- Legislation as per the CCG 112-1A Legislation Log Form.

## Procedures

- 103-1 Staff Complaint Procedure
- 103-2 Student Complaint Procedure

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