



POLICY 11

Complaints and Appeals

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Registered Training Organisation (RTO) Number: 3720
Incorporated Identity Number: A0017261Y
Charity Status: DGR

Name	Complaints and Appeals
AQTF 2010 Standards	Condition of Registration 3
VRQA 2016	
Skills for Victoria funding	
Responsible Person	President and CEO/Centre Manager
Staff Involved	All staff and Board members
Frequency of Performance	As required
Documents Referred to:	Complaints Register

Complaints and Appeals Policy: Student, Customer and Stakeholder

1. Purpose

Bass Coast Adult Learning aims to provide a framework for lodging and resolving complaints and grievances made by students, customers and stakeholders. It is the policy of BCAL that any person has a right to complain about any aspect of the centre and its operation or appeal any decision made by the centre. complaints will be heard in a reasonable and fair manner by the appropriate person.

BCAL is committed to providing an effective complaints response system that reflects the needs, meets the expectations and protects the rights of complainants.

A student, customer or other stakeholder has the right to make a formal complaint and have their concerns addressed fairly at all stages of the response process.

This policy statement sets the framework for addressing complaints.

BCAL addresses complaints through a resolution process based on that formulated by the Victorian Ombudsmen. complaints will be investigated thoroughly and in accordance with this policy.

complaints will be addressed as quickly as possible with the aim of seeking a resolution acceptable to all parties. The matters will be addressed between those directly responsible unless there are valid reasons for involving third parties.

BCAL may discontinue any investigation when it reasonably considers that the process is stalled, raises safety concerns, is frivolous, vexatious or lacks credibility.

The outcome of a complaint will be:

- Communicated, within privacy and confidentiality restraints, to the Complainant, respondent and any other party directly involved
- Noted on the complaints Register

- Evaluated to ensure correct process was followed
- Reviewed to ascertain if management can make improvements to operational practice
- It is expected that agreed actions will be implemented by the parties.

2. Procedure

This Policy applies to:

- All BCAL programs conducted at any venue
- Current, prospective and former students of BCAL
- Customers and other stakeholders

This Procedure sets out a process to ensure:

Objectivity and fairness

Complaints are managed in an equitable, objective and unbiased manner and with regard to fairness and timeliness.

Access and transparency

Information about how and where to complain is well publicised and easily accessible to all stakeholders.

Responsiveness

Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the Complainant is informed of the process.

Confidentiality and privacy

- Complaints are treated confidentially and the identity of complainants kept confidential to the extent possible where requested, except where the law otherwise provides.
- In handling complaints, the Institute will comply with the requirements of privacy legislation.

Accountability

- The complaint response process is open to scrutiny and includes reporting of the process against performance standards.
- A complaints Register is maintained.

Complaints from students, customers or stakeholders relating to harassment are promptly referred to relevant management for urgent attention and response.

Complaints related to unlawful discrimination, child abuse, sexual harassment, bullying or student conduct are responded to with reference to specific policy and procedures:

- Access & Equity / Discrimination & Harassment (BCAL P&P Policy 7.1)
- Workplace Harassment (BCAL P&P Policy 6.18)
- Discrimination/Bullying/Harassment (BCAL P&P Policy 7.7)
- Student Behaviours/Misconduct / Bullying /Discipline (BCAL P&P Policy 10.11)
- Legislation (BCAL P&P Policies 6.5 & 10.6)

Complaints about unprofessional or inappropriate staff conduct or about student conduct complaints about staff are addressed by the CEO/Centre Manager with reference to employment and personnel policy and procedures.

Complaints about a student or students must be addressed by the relevant teacher/tutor in consultation with the Centre Manager with reference to the Student Behaviour/Misconduct/Bullying/Discipline policy (see above).

Complaints about Academic Matters

These complaints include those related to academic results, academic process, academic conduct or withdrawal of awards.

- In the first instance a complaint on an academic matter is lodged within BCAL: with the Teacher, CEO/Centre Manager, Teaching and Learning Co-ordinator or Office Manager.
- If a satisfactory resolution is not achieved or the Complainant believes Centre Manager is a party to the complaint, the complaint is referred to the President of the Board.
- The Centre Manager will consult with any relevant parties and investigate the circumstances to negotiate an acceptable outcome.
- If the Complainant or CEO/Centre Manager considers the complaint has not been satisfactorily resolved the complaint may be referred to the Chairperson of the Board. The referral will be in writing and include all supporting documentation related to the matter within 15 days of receipt of the complaint.
- The CEO/Centre Manager will:
 - Notify the Complainant within 15 days of receipt of the complaint that the matter has now been referred.
 - Provide to the Complainant and respondent, within 30 business days of the receipt of the complaint, a written decision in response to the matters raised. Describe in writing the reasons for the decisions and the actions taken as part of the procedure.
 - If no decision has been made within 30 business days of receiving the complaint, ensure that BCAL writes to the Complainant, stating the reasons for the delay and further provide updates on the matter at regular intervals of no more than 30 days until a decision is made.

3. Code of Conduct

All employees are expected to conduct themselves in a manner consistent with the Bass Coast Adult Learning Code of Conduct.

4. Definitions

Term	Definition
BCAL	Means Bass Coast Adult Learning and any outreach program delivery sites.
complaint	A complaint means an expression of dissatisfaction made to the organisation relating to an action/decision by BCAL which is alleged to have an adverse impact on the complainant/s.
Complainant	person expressing dissatisfaction with an action or inaction associated with responsibilities of the organisation
Support Person **	is a person who attends a meeting to support a Complainant or relevant party. Students who lodge a complaint may bring an approved support person to an interview. Where they wish to a student may have a support person present. If a complainant wishes to involve a legal representative BCAL should be advised in advance.
complaints Management	The CEO/Centre Manager is designated to receive and report complaints, maintain a Complaints Register and facilitate timely and satisfactory resolution of complaints.
Victimisation	This occurs, in relation to this policy and procedure, when a person receives less favourable treatment because they: <ul style="list-style-type: none"> <input type="checkbox"/> have made or propose to make a complaint or submit a grievance against any person; or <input type="checkbox"/> are associated with another person who has made a complaint; or <input type="checkbox"/> have participated in processes associated with the investigation or resolution of a complaint/grievance

** A person who might have limited capacity to make a complaint may request that another person assist or represent them to make or progress their complaint. BCAL will accept

complaints from such representatives, where they have been officially authorised on another person's behalf. That person's authority will need to be verified where personal information is involved.

5. Related Legislation

- Legislation relevant to delivering training to students:
 - Charter of Human Rights and Responsibilities Act 2006
 - Disability Act 2006
 - Education and Training Reform Act 2006
 - Equal Opportunity Act 2010
 - Information Privacy Act 2000 / Privacy Act 1988 including the 2014 Australian Privacy Principles
 - Occupational Health and Safety Act 2004
 - Further Education and Training Act 2013/2014
 - Working with Children Act 2005

6. External

Victorian Ombudsmen website: www.ombudsman.vic.gov.au

Consumer Affairs Victoria www.consumer.vic.gov.au

Victorian Registration and Qualifications Authority www.vrqa.vic.gov.au

7. Records

Records will be maintained in accordance with the requirements of BCAL Student Files/Records/Access (BCAL P&P Policy10.11)

Where the privacy of individuals may otherwise be compromised, records will be maintained as confidential.

8. Review

This policy must be reviewed no later than three (3) years from the date of Board approval. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

9. Stakeholders, Endorsement, Approval, Responsibility for Implementation

Key Stakeholders	Staff Students	Volunteers BCAL Board
Endorsement & Approval body	BCAL Board	
Responsibility for implementation	CEO/Centre Manager	

Policy

Fundamental decisions as to the aims, goals and mission of the organisation must be approved by the membership at a general meeting.

Policies, which are designed to serve the organisation’s mission by ensuring that day-to-day decisions are informed by deliberation and consultation must be approved by the Board. The Board may delegate to the CEO/Centre Manager responsibility for designing procedures to put those policies into effect.

Policies, which lay down broad principles, should be differentiated from procedures, which provide mechanisms appropriate to particular circumstances.

Authorisation

Emily Sinnbeck, President

Date

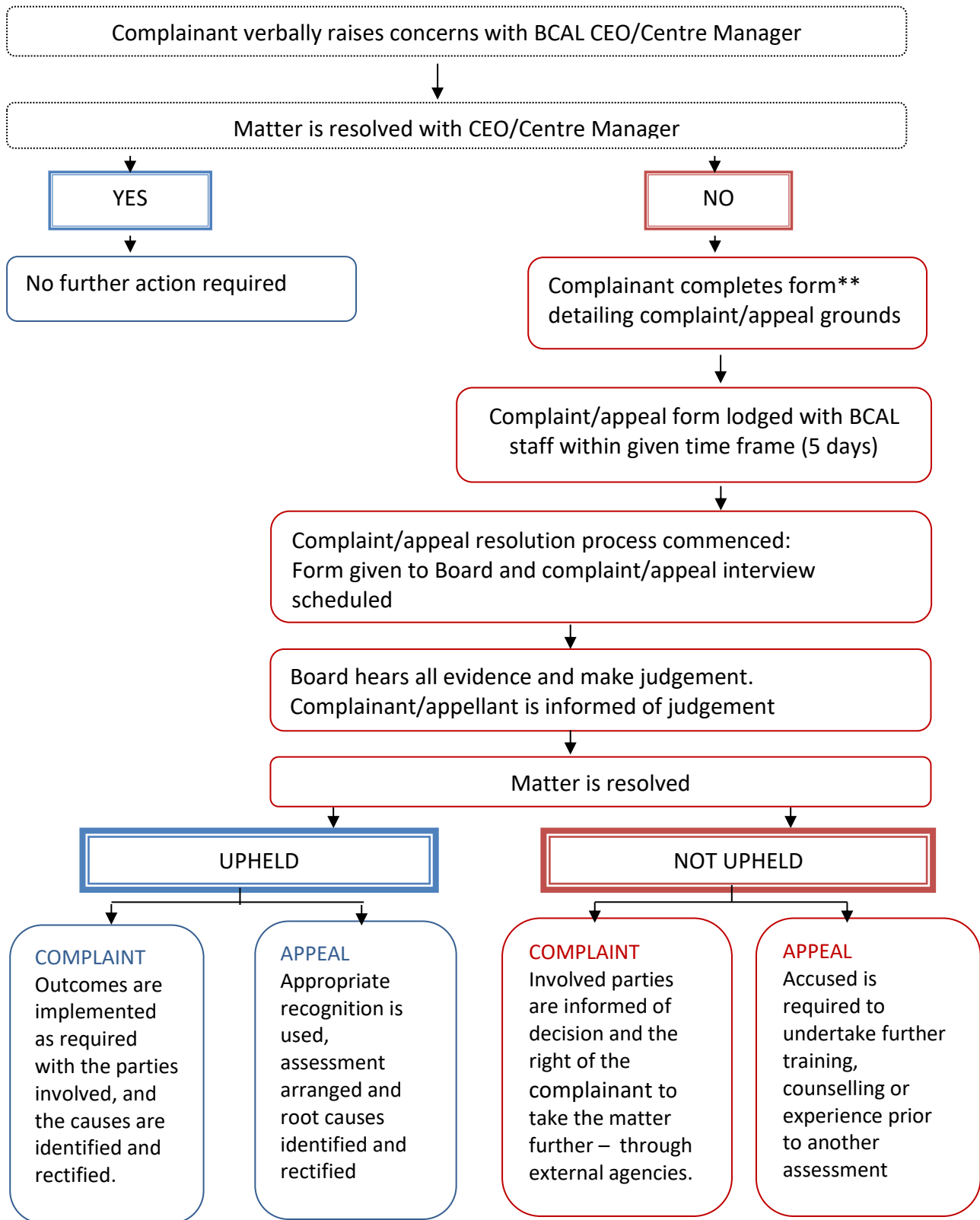
AMEP

Where a student is enrolled into the AMEP program, the following process will be followed in accordance with the AMES contract, 2018.

Addendum 1 Complaint / Appeals Process Diagram

Addendum 2 AMES complaints and Appeals Process

Procedure: Complaint / Appeal Process Diagram



** Form is available on the website or from BCAL.

COMPLAINT/APPEAL FORM

DATE:

Please feel free to complete this form and hand to the BCAL Board, CEO/Centre Manager or Administration staff. We welcome your input and will do all in our power to bring the issue to a complete and satisfactory conclusion

Details of complaint/appeal	Date

Details for person making the complaint/appeal		
Name: _____ Address: _____ _____ Post Code: _____ Contact tel. number/s:		
Other person/s involved eg. witnesses	Contact number/s	
Actioned per continuous improvement form #	Date	Actioned by

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Resolution reached	Date	Parties involved
Yes <input type="radio"/> No <input type="radio"/>		
Details of further action required		
Notes		

Office Use Only

Form accepted by	
Date	
To	

AMEP complaints and Appeals Process



What do you do if you think you have been treated unfairly?

1. Talk to your teacher or Education Coordinator. They may be able to help you solve the problem immediately.
2. If you are not satisfied, talk to the Senior Manager by asking to see him/her at reception **OR** if you are doing Distance Learning, talk to the **TAFE NSW Distance Learning Team** on 1300 362 418 or email amepdl@tafensw.edu.au
3. complaints that are escalated to a Senior Manager must be acknowledged in writing.
4. If you are still not satisfied, tell the Senior Manager that you want to talk to the

General Manager Service Delivery Education and Employment, AMEP at AMES Australia
Phone: 8791 2478

5. If you are not happy with the way the complaint has been handled you may contact the Department via the **National Training complaints Hotline**:
 - by telephone on 13 38 73
 - by email at NTCH@education.gov.au
 - by mail to:

Director

Adult Migrant English Program Department of Education & Training GPO Box 9880
Canberra ACT 2601

6. If still dissatisfied, the you may contact the Commonwealth Ombudsman:
 - by **telephone** on 1 300 362 072
 - the **email** at ombudsman@ombudsman.gov.au
 - by completing an **online form** at www.ombudsman.gov.au
 - by **attending** one of their offices.

NOTE: This agency will not usually investigate a complaint unless raised with the department first.
If it is anticipated that the complaint will take more than 60 days to resolve, the client must be advised