

# COMPLAINTS RESOLUTION Procedure



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RESPONSIBLE MANAGER:	Client Services Manager
CATEGORY:	Student Information and Services
DATE ENDORSED:	25 May 2009
RELATED POLICIES AND DOCUMENTS:	<a href="#">Privacy Policy</a> <a href="#">VET FEE-HELP Policy</a> <a href="#">Academic Grievance Procedure</a> <a href="#">Quality and Continuous Improvement Policy</a> <a href="#">Higher Education Support Act 2003 (HESA)</a> <a href="#">HESA – VET Provider Guidelines May 2008</a>

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## Introduction

These procedures assist in resolving issues raised by current, past or prospective students and other external clients. The complaint resolution process follows the steps detailed below until it is resolved. At any point any party to a complaint may choose to take the matter before an appropriate external tribunal or authority, at which point the internal process will be immediately suspended. If the complaint involves instances where behaviour may constitute a criminal offence then the police may be contacted.

The Institute imposes no cost on the process of lodging a complaint. However, if an external agency is engaged, they may choose to charge the complainant a fee for this service.

## Scope

The procedure described in this document applies to any student or client of South West Institute of TAFE and is designed for the settlement of complaints of a non-academic nature. Complaints involving academic matters such as assessment or progression should be dealt with through the [Academic Grievance](#) process.

This Complaints Resolution procedure is designed to meet the requirements of Clause 19 of Schedule 1A and Subdivision 4-D of the Higher Education Support Act 2003 (HESA), and Section 6.10.15 of the HESA – VET Provider Guidelines, 2008.

## Definitions

Complaint resolution	The process by which complaints are acknowledged and an acceptable outcome agreed to by the parties involved.
Complainant	The person who initiates the complaint resolution process by signing and lodging a written complaint with a particular academic or administrative area of the Institute.
Complaint	A written or verbal notice of dissatisfaction with any service offered by the Institute that makes clear to the recipient that a direct, personal response has been requested.
Informal stage	Processes for dealing with the complaints directly between the parties involved, with no formal mediation.
Formal stage	A sequence of mediated processes put in place to address a specific documented complaint.
Third party	A person outside the complaint who can act as facilitator and assist with the resolution process. This can be an external representative but not a legal representative.
Supporter	A person who provides personal support to a party involved with the complaint.
Mediation	A structured process led by a neutral third party seeking to negotiate an acceptable resolution to a complaint.

## Principles

- The Institute has an obligation to resolve the grievance as early and simply as possible.
- Every student has the right to register a complaint or grievance about matters or issues relevant to their involvement with the Institute.
- The views of each complainant and respondent will be respected and any party to a complaint will not be discriminated against nor victimised.
- The grievance will be considered with courtesy and respect and dealt with in a timely, fair and consistent manner.

### **Confidentiality**

In seeking to resolve a complaint, either informally or formally, confidentiality will be maintained as far as legally possible. The Institute is bound by the requirements of the [Privacy Act 1988](#).

### **Informal stage**

1. Parties to the complaint are encouraged to resolve the complaint through open discussion with the person who is the subject of the complaint, or is responsible for acting on the complaint.
2. Parties to the complaint can have a supporter assist and support them during discussions.
3. Informal diary notes should be kept by the parties involved.
4. The parties to the complaint may choose to prepare and sign off on an agreed outcome.
5. If there is no immediate resolution, a staff member may agree to support or mediate between the parties to the complaint.
6. If the matter of the complaint is not resolved, and if the complainant wishes to take the matter further, the complainant should write to the Client Services Manager or complete a Formal Complaints Form which will be forwarded to the Client Services Manager.
7. At this point, the complaint will move to the formal stage for resolution.

### **Formal stage**

1. The Client Services Manager will provide a written acknowledgment of receipt to the complainant within five working days. A confidential file will be opened and maintained until resolution of the complaint is achieved.
2. The Client Services Manager will act upon and investigate any documented complaint within 10 working days of receiving documentation.
3. The Client Services Manager may choose to involve an internal or external mediator in order to resolve the issue.
4. If the complaint relates to a staff member of the Institute, the staff member will be notified by the Client Services Manager. The Human Resources Manager or CEO's nominee will be involved in any proceedings involving the staff member. Where the complaint results in disciplinary action, the records will be retained in conjunction with the relevant staff personnel file.
5. Any parties to a complaint may have a supporter assist and support them during resolution proceedings.
6. Any person nominated in the complaint will be provided with written details of the allegation against them and will have the opportunity to respond before resolution is attempted.
7. A complainant may withdraw their complaint at any stage or choose to have the complaint resolved informally. Withdrawal of the complaint must be made in writing to the Client Services Manager.
8. Complainants may at any time obtain advice from organisations outside the Institute, including legal advice, union advice etc.
9. Where the Client Services Manager conducts an investigation, he or she will interview relevant parties and maintain confidentiality.
10. The Client Services Manager will recommend action for resolution to any parties to the complaint.
11. Agreement on resolution of the complaint will be documented by the Client Services Manager.

12. Where the matter of the complaint is not able to be resolved to the satisfaction of the complainant, the Client Services Manager will provide a written report and recommendations to the relevant Executive Manager.
13. The Executive Manager will seek a resolution of the complaint with the complainant.
14. If the complainant is not satisfied with the outcomes of the complaint, they may appeal to the CEO in writing within 21 days.
15. The CEO determination will be final within the Institute's processes.
16. If the complainant is still dissatisfied or is unsatisfied with the fairness of the process, the complainant has the right to lodge a complaint externally with an appropriate Government authority such as:
  - a. The Victorian Ombudsman
  - b. The Equal Opportunity Commission of Victoria
  - c. The Human Rights and Equal Opportunity Commission
  - d. Disability Services Commissioner
  - e. other bodies as appropriate.

### **Confidentiality and record keeping**

Once formal grievance procedures are invoked, details of allegations and investigatory notes will be kept in confidential files. During the investigation process, these will be kept separately from either the student or the staff member's personal file.

The Institute will take all necessary steps to ensure that information regarding the grievance shall be disclosed only to those persons who have a right to the information by virtue of their role in the appeals process.

Following a decision, any party to the complaint can write to the Client Services Manager requesting a full written explanation of decisions made or actions undertaken.

Following resolution of the complaint, records will be kept in accordance with Student Management Records Procedures and maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records upon written request. Where a complaint is proven, the outcome may be placed on the student's or staff member's personal file.

### **Continuous Improvement**

Any areas for improvement which arise where a complaint is found to be substantiated are documented in a Continuous Improvement Report and handled according to the Institute's Quality and Continuous Improvement Policy and processes.

### **Awareness and training**

All policies, procedures and required documents and information relating to VET FEE-HELP will be published on the South West TAFE website and will therefore be accessible to all members of the public and students regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

Information will be available to staff from the Institute's intranet and will form part of staff professional development and staff induction. Any significant changes in this policy or process will be advised to staff through the Institute's staff newsletter, intranet and if appropriate, training workshops will be offered.

### **Access and equity**

The Institute is committed to adhering to access and equity principles in the implementation of this procedure.

## Flow chart – complaints resolution processes

The following diagram shows the process, step by step.

### Step 1:

Informal stage—diffusing the issue

Parties attempt to resolve complaint

Unresolved

Satisfactory outcome documented

### Step 2:

Informal stage—third party involvement

Staff member or other third party may become involved to achieve resolution

Unresolved

Satisfactory outcome documented

### Step 3:

Formal stage—Manager, Client Services

Complaint submitted to Client Services Manager for resolution

Unresolved

Satisfactory outcome documented

### Step 4:

Formal stage—Executive Manager

Manager, Client Services reports recommendations to Executive Manager for resolution

Unresolved

Satisfactory outcome documented

### Step 5:

Appeal stage

Appeal to CEO. Decision is final.

Unresolved

Satisfactory outcome documented

If still dissatisfied complainant can lodge complaint with relevant Government Authority