COMPLAINTS RESOLUTION
Procedure

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RELATED POLICIES AND DOCUMENTS:
PPP-163 Complaints and Appeals Policy
PPP-046 Privacy Policy
PPP-152 VET FEE-HELP Policy
PPP-140 Academic Grievance Procedure

Introduction
The Complaints Resolution Procedure provides guidance in resolving issues raised by current, past or prospective students and other external clients. The complaint resolution process follows the detailed steps until it is resolved. At any point any party to a complaint may chose 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 constitutes a criminal offence then the police will 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 Complaints Resolution Procedure 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 or client of SWTAFE 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 or 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 complete a Formal Complaints Form under the “Contact us” link on the SWTAFE website, which will be forwarded to the Complaints Manager.
7. At this point, the complaint will move to the formal stage for resolution.

Formal stage

If the complaint relates to the performance or behavior of a staff member of the Institute, the Complaints Manager will notify the Director or Senior Educator to inform the Staff Member of the complaint. The HR Manager or CEO’s nominee will be involved in any formal proceedings involving the staff member. Management of the complaint will transfer to the HR Manager and will follow the requirements of the Staff Code of Conduct and Disciplinary Procedures where relevant.

1. Upon receipt of a formal complaint:
   1.1 The Complaints Manager will provide acknowledgment (in writing) of receipt of the complaint within five working days. A confidential file will be opened and maintained until resolution of the complaint is achieved. The complaint will be registered on the Complaints Register and be monitored throughout the process by the Complaints Manager.
   1.2 The Complaints Manager will ensure that the complaint is passed onto the appropriate personnel for review and investigation within 10 working days. In some circumstances, the investigation may take longer than 10 days. In these situations, the Complaints Manager will communicate the need for additional time to the parties involved.
   1.3 In situations where the Institute considers more than 60 calendar days are required to process and finalise the complaint written notification will be provided to the complainant including the reasoning why more than 60 days is required. The Complaints Manager and Director/s involved in the complaint will ensure that the relevant parties are continually updated on the progress of the matter.
   1.4 The Directors/Senior Educators involved in resolving the complaint may choose to involve an internal or external mediator in order to resolve the issue, should the complainant approve of this.
   1.5 Any parties to a complaint may have a supporter assist and support them during resolution proceedings.
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.

A complainant may withdraw their complaint at any stage or choose to have the complaint resolved informally.

The relevant personnel conducting the investigation will be required to conduct interviews of relevant parties and maintain confidentiality.

The relevant personnel conducting the investigation will recommend action for resolution to any parties to the complaint.

Agreement on resolution of the complaint will be documented and sent to the Complaints Manager to be placed on the Complaints Register.

The relevant personnel involved in the investigation will provide a written report detailing the process followed and resolution to the complainant and send to the Complaints Manager to be filed on the confidential file.

The relevant personnel involved in the complaint will seek resolution of the complaint with the complainant.

If the complainant is not satisfied with the outcomes of the complaint, they may appeal to the CEO in writing within 21 days.

The CEO determination will be final within the Institute’s processes.

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:

- The Victorian Ombudsman
- The Equal Opportunity Commission of Victoria
- The Human Rights and Equal Opportunity Commission
- Disability Services Commissioner
- Other bodies as appropriate.

**Form of Complaint**

South West TAFE will accept any form of complaint and encourage all students, employees and general public to provide feedback to ensure the Institute is continually improving.

Some forms of complaints that may be presented to the Complaints Manager are:

1. **Online Feedback Portal**
   Students, employees and the general public are encouraged to provide Institute feedback using the Online Feedback portal on the Institute’s website. The feedback will be sent to the Complaints Manager who will follow the above steps.

2. **Feedback Form**
   A feedback form will be made available at the Front Reception of each campus for students, employees and the general public to complete. The Feedback Form is to be returned to Front Reception and placed in the Feedback Box or in a designated secure location for collection by the Complaints Manager.

3. **Over the phone**
   Complaints can be taken over the phone and passed onto to the Complaints Manager to place on the Register and address with the relevant senior manager.

4. **In writing**
   Complaints may be placed in writing either through email or letter which will be passed onto the Complaints Manager.

**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 Complaints Manager requesting a 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 forwarded to the Institute's Quality and Compliance Manager for investigation and implementation where relevant

**Awareness and training**

All policies, procedures and required documents 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 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.
COMPLAINTS RESOLUTION PROCESS

**Step One:**
Informal Stage

- Parties attempt to resolve the complaint at an informal level within the department
  - Satisfactory outcome documented
  - Unresolved

**Step Two:**
Informal Stage, Third Party involvement

- If Complaint is unresolved a third party may be involved to achieve resolution at an informal level
  - Satisfactory outcome documented
  - Unresolved

**Step Three:**
Formal Stage, Complaint Registered

- Complaint submitted through the online Feedback Portal on the SVTAFE Internet page or formally in writing to Management
  - Complaints Manager registers complaint and refers to the appropriate personnel for review and to address the complaint
  - All correspondence held by Complaints Manager
  - Satisfactory outcome is documented, all correspondence held and complaint closed off on Register
  - Unresolved

**Step Five:**
Appeal Stage

- If a satisfactory outcome can not be meet between the complainant and personnel involved the matter can be escalated to the CEO for a final decision
  - Unresolved
  - If the complainant is not satisfied with the final outcome they can lodge complaint with relevant Government Authority