



## Learner/Client Complaints and Appeals

### **Purpose and Scope**

To ensure complaints and appeals made by learners/clients are given a timely and fair hearing. The Centre is committed to a procedural fairness approach and to the principles of natural justice, and all complaints and appeals are handled confidentially.

### **Policy**

#### **1. Nature of complaints and Appeals**

1.1 The Centre responds to all allegations involving:

- 1.1.1 The conduct of The Centre, its trainers, assessors and staff
- 1.1.2 Services provided by The Centre to the public
- 1.1.3 Any third party service acting on behalf of The Centre
- 1.1.4 Any learner or client of The Centre.

1.2 Complaints may be made relating to services provided by The Centre regarding:

- 1.2.1 Marketing
- 1.2.2 Enrolment and pre-training review
- 1.2.3 Training and assessment, including learner support to undertake training and assessment
- 1.2.4 Community programs and projects
- 1.2.5 The way a client or learner has been treated
- 1.2.6 The Conduct of staff
- 1.2.7 The Conduct of learners/ clients of The Centre.

1.3 Complaints relating to the alleged abuse of children will be taken extremely seriously, acted on and reported immediately to the police as required by The Centre's Child Safe Policy

#### **2. The Centre's responsibilities**

- 2.1 To provide a safe and productive learning/ working environment for all staff, learners, clients and the public.
- 2.2 Take complaints and appeals seriously and with sensitivity to all parties.
- 2.3 Investigate all complaints promptly, fairly and consistently using principals of procedural fairness and documented procedure.
- 2.4 Maintain a confidential record of all complaints and appeals
- 2.5 Notify all parties of the outcome/ resolution to complaints and appeals in writing within the required time period as outlined in the relevant procedures.
- 2.6 Provide access to this policy to all learners/clients of The Centre via its website
- 2.7 Maintain the enrolment of any learner that makes a complaint or appeal while the process for investigating their complaint or appeal is ongoing.

#### **3. Resolution of complaints**

- 3.1 Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
- 3.2 Nothing in this policy limits the rights of an individual to act under Australia's Consumer Protection laws and it does not prevent an individual's rights to pursue other legal remedies.
- 3.3 Complaints may be resolved using formal or informal processes, dependent on the requirements and nature of the complaint.

#### 4 Making a complaint or appealing a decision

- 4.1 Complaints should be made within 90 calendar days of the incident/ situation occurring.
- 4.2 Appeals must be made within 30 days of the original decision being communicated to the involved parties..
- 4.3 Formal Complaints are categorised as:
- 4.3.1 Alleged serious misconduct by a member of staff
  - 4.3.2 Alleged serious misconduct by a learner or client of The Centre
  - 4.3.3 Complaints where the complainant feels the outcome for learner/s or client/s of the Centre have been impacted
  - 4.3.4 Complaints relating to the environment or equipment provided by The Centre where immediate safety of personnel is put in jeopardy.
- 4.4 Formal Complaints and appeals should be made in writing and sent by mail or email, marked PRIVATE AND CONFIDENTIAL to:
- Chief Executive Officer, The Centre for Continuing Education  
17 Chisholm Street  
Wangaratta, Victoria, 3677  
[CEO@thecentre.vic.edu.au](mailto:CEO@thecentre.vic.edu.au)
- 4.5 Informal complaints are categorised as:
- 4.5.1 Complaints in relation to non-serious conduct of staff, learners or clients of The Centre
  - 4.5.2 Complaints relating to the environment or equipment provided by The Centre where immediate safety of personnel is not in jeopardy.
- 4.6 Informal complaints may be made:
- 4.6.1 In person to a member of staff of The Centre, or
  - 4.6.2 via email to [complaints@thecentre.vic.edu.au](mailto:complaints@thecentre.vic.edu.au)
- 4.7 When making a complaint or appealing a decision, as much information as possible should be provided to enable The Centre to investigate and determine an appropriate course of action to be undertaken to support the development of a solution. This should include:
- 4.7.1 The issue the complaint relates to or the decision being appealed
  - 4.7.2 What happened and how it affected you (and/or others).
  - 4.7.3 Evidence to support the complaint or appeal - this may include others who can support you or documentary evidence.
  - 4.7.4 The steps already taken to resolve the issue.
  - 4.7.5 Suggestions about how the matter might be resolved.
- 4.8. Complaints and appeals will be acknowledged in writing via email or post. Acknowledgement should be received by the complainant within 7 days of lodgement.

#### 5. Complaints and Appeals Process

- 5. 1 Learners/clients are encouraged to bring a support person or advocate to all meetings and interactions with The Centre in relation to the investigation and findings of complaints and appeals processes. Learners are informed of this during the process.
- 5. 2 The process for undertaking complaints resolutions are contained in the Learner/client Complaints and Appeals Procedure. This procedure is developed to support the implementation of natural justice principles in The Centre's handling of complaints processes and to ensure procedural fairness for all parties involved.
- 5. 3 Appeals are considered by the Executive Team. The team will review:
  - 5.3.3 Additional evidence provided by the learner/ client
  - 5.3.4 The process of any investigation/ process that occurred following the learner/client original complaint

- 5.3.5 Review decision making based on evidence requirements and balance of probability
- 5.3.6 Recommend any mediation that may be required between the parties involved
- 5.3.7 Endorse the recommended outcome or, in the case of an appeal, over-turn the original outcome and endorse a new outcome.
- 5.3.8 Inform learner/client of outcome in writing within 28 days.

## 6 Unresolved complaint following appeal

- 6.1 Learners/clients have the right to make a complaint following The Centre completing a complaint and an appeal process.
- 6.2 For learners wishing to take their complaint further, the Centre's regulator has information on its website of the process required to complete a complaint with the Victorian Registrations and Qualifications Authority.  
<https://www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx>
- 6.3 Learners enrolled in Victorian Government Skills First Funded courses may also make a complaint directly to the Victorian Department of Education and Training. Information can be found at  
<https://www.education.vic.gov.au/about/contact/Pages/expired/compliancecomplain.aspx>
- 6.4 Clients wishing to take their complaint further may do so under Australia's Consumer Protection laws.  
<https://www.consumer.vic.gov.au/>

## Definitions

<b>Appeal</b>	A request to reconsider or review a decision made by The Centre relating to an individual complaint or decision
<b>Complaint</b>	A statement (written or verbal) of dissatisfaction expressed by a learner/client about a service provided by The Centre, or treatment received from The Centre staff or other learners/clients
<b>Learner/ client</b>	Any person engaged in programs or activities conducted by or at The Centre
<b>Procedural Fairness</b>	Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. A decision-maker who follows a fair procedure is more likely to reach a fair and correct decision. The rules of procedural fairness require: <ul style="list-style-type: none"> <li>• a hearing appropriate to the circumstances</li> <li>• evidence to support a decision</li> <li>• inquiry into matters in dispute</li> </ul>
<b>Natural Justice</b>	lack of bias
<b>Staff</b>	For the purpose of this policy, staff refers to permanent, full-time or part-time employees, casual staff, trainers, tutors and volunteers. Contractors are also covered by this policy.

## Version Control

<b>Policy Operative From</b>	06/2010	<b>Date and Current Version</b>	09/2019
<b>Responsible Officer</b>	Quality Administrator	<b>Policy Approved By</b>	Board of Governance
<b>Date of Next Review</b>	01/2020		

## References

Australian Quality Training Framework 2010 (AQTF)  
 VRQA Guidelines for VET providers 2016  
 Skills First Victorian Funding Contract

## Related Policy

Quality Training and Assessment Policy  
 Information Privacy Policy  
 Child Safe Policy

## Related Procedure

## Related Guidelines

Staff Code of Conduct	N/A
Client Code of Conduct	
Learner/client Complaints and Appeals Procedure	