

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



Purpose

This policy and procedure is intended to provide clear and practical guidelines to ensure that any complaint and/or grievance of student(s) can be resolved in accordance with the principles of natural justice, equitably and efficiently.

Policy

VFA Learning is committed to providing its clients with a complaints and grievance process that is transparent, fair and easily accessed and that enables a student or other key stakeholder to transparently progress a grievance and/or a complaint. A grievance and/or complaint may be in relation to an academic or a non-academic matter.

Academic matters include those matters which relate to:

- student progress,
- assessment,
- course content, or
- awards in a VET course of study.

Non-academic matters include those which relate to:

- enrolment in a course, or
- personal information held by the provider.

Students making any complaint or grievance should be assured that VFA Learning will maintain the student's enrolment while the complaints and appeals process is ongoing. Students should also be assured that all grievances and complaints are handled in the strictest of confidentiality, however if required by a government department, agency and/or their representative, VFA Learning may be required by law to provide the details of any complaint or grievance to the requesting officer.

General principles applying to all stages of this complaints and grievance policy and procedure which are strictly adhered to by VFA Learning staff are:

- the Complainant and respondent will have the opportunity to present their case at each stage of the procedure;
- the Complainant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire;
- the Complainant and the respondent will not be discriminated against or victimised;
- at all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and to the respondent if requested by the respondent;
- records of all complaints and grievances will be kept for a period of five years. These records will be kept strictly confidential and stored in the office of the Academy Manager, Contracts and Compliance.
- A Complainant shall have access to this complaints and grievance procedure at no cost.

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



Procedure

Students are informed of VFA Learning's complaints procedure through the Student Handbook through publishing of this Policy and Procedure on VFA Learning's website.

Complainants (students or prospective students or other key stakeholders) are entitled to access the internal and external complaints and grievance procedure, at no charge, regardless of the location of the campus at which the complaint or grievance has arisen, the complainant's place of residence or mode of study.

All staff are made aware of the steps in the process and their own responsibilities in relation to this process. Homeroom trainers understand their responsibility in relation to pastoral care as many potential formal complaints can be resolved very easily and quickly through appropriate action and care early.

VFA Learning is proactive in implementing processes, gathering feedback, followed by action through continuous improvement, and discussion at meetings, which assist in reducing the number of complaints. All students have several opportunities during their course to provide feedback. VFA Learning encourages and welcomes any feedback, both positive and negative that may improve the services delivered at VFA Learning.

1. Informal Complaints (Grievance)

Informal complaints are usually minor disputes or difficulties that (in most cases) could *reasonably* be expected to be resolved without an independent assessment or assistance. These are defined by VFA Learning as a grievance.

- 1.1 The student will be encouraged to resolve the problem directly with their trainer or homeroom trainer. Students will be made aware of whom their homeroom trainer is at the start of the course as well as the homeroom trainer's responsibilities.
- 1.2 All complaints need to be taken seriously by the homeroom trainer/ trainer. Remember that all individuals think differently and have varying levels of sensitivity and values.
- 1.3 If the trainer/homeroom trainer feels that the issue is above their understanding, skill set or outside their comfort zone they will need to involve the Academy Manager or Department Head.
- 1.4 It is important the trainer/ homeroom trainer establishes a timeline in relation to when a decision/ action will be taken in relation to the complaint.
- 1.5 The length of time to remedy an issue will often vary depending upon the issue. However, all staff need to attempt to resolve issues as quickly as possible to prevent the complaint from escalating.
- 1.6 The complaint, although informal, **must be documented** (e.g. a File Note in the student's file) by the trainer / homeroom trainer and added to the *Complaints Register*. Where applicable, the details of the complaint might also be added to the *VFA Learning Continuous Improvement Register*.
- 1.7 If the issue is more serious, the complaint may go straight to Stage 2.

At all times, the complainant is encouraged to resolve the problem directly between the complainant and the appellant. Homeroom trainers have been designated to the class to provide pastoral care and students are encouraged to use them for support. Most issues can be remedied at this level.

Example

- *You may wish to complain to your trainer about a student in the back row who is using offensive language. You would expect this issue to be resolved straight after class or during the next suitable break by the trainer speaking to the student.*

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



- *You have emailed a trainer 3 times about assessment work or learning resources and have not heard back. In this case, you may wish to make an informal complaint with your homeroom trainer. You can expect the homeroom trainer to establish how and when you will receive the resources you are requesting.*

2. Formal Complaints

2.1 Stage One

Formal complaint should be submitted in writing to the Manager, Contracts and Compliance, VFA Learning, 78 Yarra St, Geelong, 3220. The complaint should outline when and where the incident occurred, a brief outline of the incident, any witnesses and what the complainant is expecting as part of the resolution.

The complaint will be acknowledged in writing within 48 hours of receipt. Should a complaint be expected to take longer than 60 days to resolve, VFA Learning will notify the Complainant when acknowledging the complaint and also of its commitment to provide regular progress reports.

The Manager Contracts and Compliance (the responsible officer, within VFA Learning) will then assess the grievance, determine the outcome, and advise the Complainant in writing of their decision, including the reasons for the decision, within fourteen days. *Note: where a complaint is directed at this Manager, the Director will appoint a suitable, independent staff member to assess the complaint and determine the outcome.*

The Complainant will be advised of their right to access Stage Two of this procedure if they are not satisfied with the outcome of Stage One and wish to appeal the decision.

2.2 Stage Two

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with the Director, VFA Learning, 78 Yarra Street, Geelong, 3220.

The Complainant's complaint will be reviewed and determined by the Director at VFA Learning. *Note: where a complaint is directed at the Director, the Manager Contracts and Compliance will appoint a suitable, independent staff member to assess the complaint and determine the outcome.*

The Reviewer will conduct all necessary consultations with the Complainant and other relevant persons and make a determination. The Complainant will be advised in writing of the outcome, including the reasons for the decision, within fourteen days.

The Complainant will be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved.

2.3 Stage Three

If the Complainant is not satisfied with the outcome of Stage Two they may request that the matter be referred to an external dispute resolution process by a body appointed for this purpose by VFA Learning. In accordance with Commonwealth departmental advice, the external body used for this stage is the Resolution Institute.

VFA Learning will organise for the resolution meeting at a time and venue suitable to all parties. Each party is to be accompanied or assisted by another person at the review, at that party's cost.

The decision of the Resolution Institute is final and VFA Learning will both inform the Complainant in writing, including the reasons for the decision as well as act on this decision within 14 working days of receipt of the decision.

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



3. Appeals

The VFA Learning appeals process is concerned with a student's right to request change to decisions or processes of an official nature, usually in relation to academic or procedural matters (e.g. assessment results or certificate issuance).

In the case of a student's appeal against specific assessment decisions, the student should first discuss the decision(s) with the relevant trainer or assessor and request a reconsideration (a grievance). The trainer or assessor will hear the student's appeal, make fair judgement to the best of their ability as to whether change(s) are required and then discuss their final decision with the student.

If the student is still dissatisfied with the trainer or assessor's decision, they have the right to take the appeal to the Manager, Contracts and Compliance.

The formal notice of a request for an assessment appeal (the notice) is required to comply with the following requirements:

- The notice should be in writing, addressed to VFA Learning's Manager, Contracts and Compliance and submitted within 14 days of notification of the outcome by the assessor.
- The notice must outline the qualification code and name as well as the code(s) and name(s) of the units which the student is seeking a review, together with an outline of their concerns as well as expected outcome.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 14 days otherwise the original result will stand.

If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to management. The notice of deferral must be submitted within 5 working days of the conclusion date displayed on the medical certificate.

It is the responsibility of the Manager, Contracts and Compliance to ensure adherence to the appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting students with the appeal procedure and appointing an independent assessor.

If the student is still not satisfied with the resolution of the assessment appeal after following and exhausting the VFA Learning internal assessment appeals procedure, the student may contact the vocational education and training sector's regulator, ASQA, through contacting the ASQA Hotline on: 1300 701 801 between 9.00 am and 7.00 pm Eastern Standard Time (EST), Monday to Friday.

4. VET Student Loan Program

This policy and procedure has been designed and implemented to ensure compliance with the VSL Program requirement, specifically 'dealing with complaints' (**Section 88, VSL Rules 2016**).

5. Skills First Program (Vic)

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



This policy and procedure has been designed and implemented to ensure compliance with the following clauses of the Skills First funding contract (2017):

- 5.1 VFA Learning acknowledges and agrees that it will respond to and co-operate in good faith with any complaints handling mechanism or process established by the Department from time to time, for the purpose of resolving student complaints or other issues in relation to the Training Provider's delivery of Training Services.
- 5.2 VFA Learning will publish on its website its complaints and appeals process.

6. *International Students*

This policy and procedure has been designed and implemented to ensure compliance with the following requirements of the ESOS National Code:

- 6.1 The registered provider must have an appropriate internal complaint handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:
 - a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
 - b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
 - c. each party may be accompanied and assisted by a support person at any relevant meetings
 - d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome; and
 - e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- 6.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- 6.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.
- 6.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.
- 6.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

Related Documents

SUPPORTING DOCUMENT Student Handbook

SUPPORTING DOCUMENT Complaints Register

Complaints & Grievance Policy (Academic & Non Academic) Policy & Procedure



SUPPORTING DOCUMENT Continuous Improvement Register
TEMPLATE Student File Note

Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the Manager, Contracts and Compliance.

Publishing details

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Approved by	Manager, Contracts and Compliance
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