

Complaints and Appeals Policy

Education and Training Unit



1. Purpose

This Policy outlines the principles and procedural steps for dealing with complaints made about the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) in its capacity as a Registered Training Organisation, our staff, or other students.

This Policy also outlines the principles and procedural steps for dealing with a request to review or reconsider a decision made by VACCHO, such as an appeal against an assessment decision.

This Policy is focused on ensuring that VACCHO provides training and assessment services that are fair, reasonable, and accessible, and afford a forum where issues or concerns can be raised and resolved. This process provides opportunity for complaints and appeals to be recorded, acknowledged and dealt with in a fair, efficient, and transparent manner.

2. Scope

This Policy applies to all trainers, assessors, and other staff employed by VACCHO or any third party providing services on VACCHO's behalf, and all students and prospective students of VACCHO.

This Policy does not apply to VACCHO operations outside of the Registered Training Organisation (such as the Policy and Research Unit or the Public Health Promotion Unit). Any complaints received about another unit of VACCHO will be assessed by the Executive Manager to ensure there are no aspects of the complaint relating to training or assessment conducted by the Education and Training Unit, and forwarded to the relevant Executive Director for action. The complainant must be made aware of this action and who the relevant contact person is in that other unit.

3. Responsibility

The Executive Director, Education Services (the Executive Director) is responsible for approval and oversight of this Policy. The Executive Director is also responsible for reviewing the post-complaint investigation report and ensuring that any agreed recommendations are able to be implemented. In the event that the Executive Director is the subject of the complaint, these functions will be undertaken by the Chief Operations Officer.

The Executive Manager, Education Services (the Executive Manager) is responsible for the implementation of this Policy. In the event that the Executive Manager is the subject of the

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complaint, these functions will be undertaken by the Executive Director. In the absence of the Executive Manager when a complaint is received, the Executive Director shall designate a person to carry out the functions of the Executive Manager.

The VET Compliance Coordinator is responsible for the administrative aspects of this Policy, including ensuring the confidentiality of records relating to complaints and appeals.

All VACCHO staff must assist in the investigation of complaints, including, where required, providing information and records, and attending meetings.

The complainant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times. Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs.

4. Policy – Complaints

General Principles

Any person, whether they are a student or not, may make a complaint about VACCHO in its capacity as a Registered Training Organisation. More than one student may make a joint complaint.

Staff should remain conscious that VACCHO is an Aboriginal and Torres Strait Islander focused organisation, and pay attention to any cultural sensitivities that may arise in relation to a complaint. This may include an individual not wanting to make a fuss or worrying that it will make things difficult for them if they make a complaint. It is important to reassure anyone who may have a concern that making a complaint will not lead to them being penalised or being negatively impacted. If any staff members feels that an individual may have reason to make a complaint but is not reporting it, they can speak to the Aboriginal Student Engagement Officer who can contact the individual and have a yarn to them about any concerns they have.

A complainant may withdraw their complaint at any time. This does not preclude the Executive Manager continuing to investigate any issues that have been raised so as to prevent those issues reoccurring.

Natural Justice

VACCHO is committed to the principles of natural justice and procedural fairness in dealing with complaints and appeals. VACCHO will ensure that:

- all parties to a complaint shall have the right to be heard, including, but not limited to, anyone who has allegations made against them being able to tell their side of the story before a decision is made;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;

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- the decision maker shall not be biased or appear to be biased; and
- any decisions made must be fair and just.

Each party may be accompanied and assisted by a support person at any relevant meetings.

The decision-maker must be independent of the decision being reviewed. For example, a staff member who is subject to the complaint must not consider or decide a complaint made against them.

Informal Complaints

Individuals are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned before it becomes a formal complaint. Educators and other VACCHO staff members (such as our Aboriginal Student Engagement Officer) are available to assist students to resolve their issues at this stage.

If a staff member receives an informal complaint, the staff member concerned should endeavour to address the matter immediately. Many complaints, especially minor ones, can be resolved at this stage. A File Note should be prepared outlining what has occurred.

The staff member should also check whether the individual concerned wishes to formalise their complaint and make them aware of how to do so, and assist them, if necessary.

Making a Complaint

Although it is preferred that a complaint is made in writing, and on the relevant form, a complaint can be made in any form, including verbally.

Where a complaint is made verbally, the staff member receiving the complaint should offer to assist the complainant in recording the complaint in writing. The student can deal with the whole complaint process, from making the complaint, to providing further information verbally, if they feel more comfortable doing this. As a minimum, any conversations with the complainant should be recorded in the form of a File Note.

The complainant should be allowed to make the complaint in their own words. VACCHO staff members should not try and paraphrase or make the complainants account fit their own preconceptions.

For people with disability, a guardian, carer, advocate or support person may make a complaint on behalf of the person with disability or otherwise be involved in assisting the complainant to make the complaint and in resolving the complaint. A parent or guardian may make a complaint on behalf of a person who is under the age of 18 years.

VACCHO will accept anonymous complaints and investigate the subject matter of the complaint in order to improve its services and operations but unless the complainant provides contact details no response will be provided.

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Investigating a Complaint

Upon receiving a complaint, the Executive Manager will assess all the information before them and make a decision on how the complaint will be investigated. The process they decide upon will be recorded in the complaint file.

The Executive Manager will acknowledge the complaint in writing. The Executive Manager may also acknowledge the complaint verbally, such as by telephone. If the student is Aboriginal, consideration should be given to having the verbal acknowledgement or a follow up call made by the Aboriginal Student Engagement Officer.

The Executive Manager may investigate the complaint themselves, may co-opt another person to assist them with the investigation, may designate another person to investigate the complaint, or may establish a panel to investigate. The Executive Manager may also arrange for an external person or body to investigate the complaint. The Executive Manager may facilitate negotiation and conciliation between the parties.

Referral of Complaints

The Executive Manager, upon assessing the complaint, may decide that there is a more appropriate venue to deal with the complaint and refer the complaint to that body. For example, a complaint alleging sexual misconduct on the part of a staff member would more appropriately be dealt with by the Police.

The Executive Manager should also note any other legislative requirements relating to the staff member. For example, individuals who are registered with the Australian Health Practitioner Regulation Agency may be subject to mandatory reporting provisions.

Where possible, the Executive Manager should discuss this with the complainant before referring the matter.

Summary Dismissal

A complaint may be summarily dismissed by the Executive Manager if it has no relationship with VACCHO or is outside the reasonable control of VACCHO. For example, a student making a complaint about receiving a parking ticket whilst in class.

A complaint may also be summarily dismissed if it is frivolous, vexatious, baseless, or malicious. For example, a complaint made by a student that they don't like an Educator's appearance.

If this is the case, the complainant will receive written notification of the decision made, reasons as to why that decision was made, and, if possible, be referred to an appropriate body that may be able to deal with their complaint.

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The Executive Manager should give serious consideration as to the complaint and if there may be other, underlying causes, as to why the complaint was made before dismissing it. For example, a complaint from a female student about not liking a male student may be as a result of a traumatic event in their personal history.

Where a complaint is summarily dismissed, the complainant will have the same entitlement to access the third-party review process as any other person.

Confidentiality

All records relating to complaints will be treated as confidential.

Register of Complaints

All complaints will be recorded on the LOGIQC system.

Records of complaints should include:

- how the complaint was dealt with;
- the outcome of the complaint;
- the timeframes for resolution of the complaint;
- the potential causes of the complaint; and
- the steps taken to resolve the complaint.

Records of complaints made by a student will be saved in the student's file, in a sealed envelope, notated to only be opened with the permission of a designated position.

Outcome of Complaints

All parties involved will be advised in writing of the outcome of the complaint. Within this notification the complainant will also be notified that they have the right to appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal and follow the Appealing a Decision process

A report on the complaint, details of the investigation undertaken, and the outcome of the complaint will be reported to the Executive Director, including recommendations to ensure that issues that caused any substantiated complaint do not reoccur.

Publication of Policy

A copy of this Policy must be made available on the VACCHO website, and made available to any person who requests a copy.

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Timeframes

The original complaint must be acknowledged in writing within seven days of the complaint being received. If it is considered that the person who has made the complaint may have difficulty in understanding the written acknowledgement, a verbal follow up should be made.

VACCHO is committed to ensuring the matter is investigated and resolved in a reasonable timeframe, usually twenty business days. However, in some cases, particularly if the matter is complex, the resolution may take longer. VACCHO will keep in touch with the complainant on a regular basis, including specifically if it is considered that the matter will take longer than the standard twenty business days.

If, for any reason, the complaint will take more than will take more than sixty calendar days to finalise, VACCHO will advise the parties involved in writing, explaining the delay, and keep them informed as the matter progresses.

Appeal against the Outcome of a Complaint

If the person making the complaint or appeal is not satisfied with the outcome, they may appeal the decision to the Chief Executive Office of VACCHO for a review of the complaint and the outcome provided to the complainant. If the Chief Executive Officer was involved in the original complaint in any way, the appeal must be referred to the Chairperson of the Board of VACCHO.

Both the Chief Executive Officer and the Chairperson are empowered to appoint another person to review the complaint, including a person external to VACCHO. The costs of the review itself will be borne by VACCHO.

The complainant may also approach a third-party to assist with seeking further review of the decision, such as the Dispute Settlement Centre of Victoria. The complainant must bear their own costs in relation to any third-party review.

5. Policy - Appeals

General Information

An appeal is an application by a student for a review of the result they received for an Assessment Task or a Unit of Competency, or another decision made by VACCHO in its capacity as a Registered Training Organisation.

An appeal must be made in writing and say why the individual believes think the result they received was unfair.

Lodging an Appeal

Everyone has the right to appeal a decision made by VACCHO. In relation to an appeal against an assessment decision, the student is the only person who can lodge an appeal, but

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the appellate is able to get help from a support person in preparing their appeal application or contacting VACCHO to speak to someone about their concerns.

An individual will not be penalised for making an appeal.

Valid Grounds for an Appeal

An appeal against an assessment decision must be made on grounds related to the Assessment Task or Unit of Competency, for example, the result was not consistent with the objectives of the Unit or the assessor appears to have not taken all of the work into account in considering whether the objective of the tasks have been met.

An assessment appeal cannot be accepted on personal grounds relating to the student, such as the amount of work the student done in completing the task, personal or medical grounds, financial implications of not passing the unit, outside interests, or a general sense of unfairness. If any of these circumstances are affecting the student, they are encouraged to talk to their Program Coordinator or our Aboriginal Student Engagement Officer who may be able to assist in other ways.

An appeal that does not involve an Assessment Task may be appealed for any reason.

Timeframes

An appeal in relation to an assessment matter must be lodged within one month of finishing the Unit. VACCHO will acknowledge an appeal within seven business days.

VACCHO will keep in touch with the complainant on a regular basis, including specifically if it is considered that the matter will take longer than the twenty business days. If, for any reason, the complaint will take more than will take more than sixty calendar days to finalise, VACCHO will advise the parties involved in writing, explaining the delay, and keep them informed as the matter progresses.

Appeal Process

After submitting this form, the Assessment Task will be remarked by the Program Coordinator (or the next most senior independent person if the Program Coordinator was the original assessor). The Program Coordinator will not see the original mark (or any comments) prior to remarking the Assessment Task.

If there is no suitable person with VACCHO to reassess the Assessment Task, the Executive Manager may arrange for a person from outside VACCHO to conduct the reassessment, however, that person must meet the requirements of the Standards for Registered Training Organisations (RTOs) 2015 to teach and assess that Unit of Competency. This may occur, for example, where a Unit of Competency is to be assessed by a Registered Health Professional, but there are no other Registered Health Professionals in that category employed by VACCHO.

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Appeals that do not relate to an Assessment Task will be considered by the Executive Manager (or the next most senior independent person if the Executive Manager was the original decision maker) and investigated as they deem appropriate considering the nature of the appeal.

Appeal Outcome

After the Assessment Task is remarked, the new result is the result that will appear in student records and will be officially recognised as the final result for that Assessment Task or Unit. The individual will be informed of the result of their appeal in writing.

In relation to an appeal that does not relate to an Assessment Task, the individual will be informed of the result of their appeal in writing.

6. Related Documents

- Standards for Registered Training Organisations (RTOs) 2015;
- VACCHO Registered Training Organisation Complaints Form; and
- Assessment Appeal Form.

7. Review and Authorisation

Responsible Positions

Authorising Officer: Executive Director, Education Services

Reviewing Officer: VET Compliance Coordinator

This Policy will be reviewed biennially.

8. Definitions

Term	Definition
Appeal	Appeal means to call into question a formal decision or action instigated by a staff member of VACCHO in its capacity as a Registered Training Organisation.
Assessment Result Appeal	An assessment result appeal is the process by which a person disputes an assessment outcome. Students have the right to appeal an assessment outcome if they reasonably believe that they have been unfairly disadvantaged or discriminated against, or that their assessment result is inconsistent with the specifications of the Training Package.
Complaint	A complaint is an expression of dissatisfaction where the complainant is seeking rectification/resolution in line with this policy.

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