

# COMPLAINTS AND APPEALS PROCEDURE

## DEFINITION OF COMPLAINTS AND APPEALS

‘Complaints’ refer to any issue a person might have with any aspect of our services;  
‘Appeals’ refer to appeals against any of our decisions, usually assessment decisions.

Complete details of Jesuit Social Services’ Complaints procedure is available on our website: <http://jss.org.au/feedback-and-complaints/>

## GUIDING PRINCIPLES

Anyone associated with our organisation has the right to bring a complaint and to appeal our decisions.

- We support informal, consultative processes to resolve issues wherever possible, but we also have processes to deal with formal complaints and appeals.
- We will treat all people involved in any complaints process fairly and reasonably in line with the principles of natural justice.
- We will involve the person bringing the complaint (‘the complainant’) or appealing a decision (‘the appellant’) in decisions about how to resolve issues, will give them reasonable notice of any processes, and ensure our decisions are unbiased.
- We will treat all complaints and appeals in confidence, use independent people to hear formal complaints and will involve only those people who need to know, and then only with the complainant’s permission.
- We will promptly act on any substantiated complaint, with the action in line with the seriousness of the complaint.
- We will follow the *National Guideline for Responding to Complaints about Vocational Education and Training Quality*.
- Anyone who wishes to make a complaint to the ASQA about the JESUIT COMMUNITY COLLEGE can contact the ASQA on 1300 701 801 or through their website: <https://rms.asqa.gov.au/registration/newcomplaint.aspx>

## INFORMAL COMPLAINTS

- Learners and employees will be encouraged to raise complaints as soon as possible with trainers or the Training and Administration Manager. The process is as follows.
- The person who first hears the complaint is responsible for seeing that the issue is addressed and followed through; this may include ensuring that the complaint is passed on to the appropriate person and resolved.
- With the complainant’s permission, the informal process would usually involve meeting with other people involved to discuss the problem and identify any options for resolution. This may involve helping the person bringing the complaint to bring their complaint directly

to any others involved, if this is what the complainant wants to do.

- The informal complaint, and any agreements or outcomes should be recorded and placed on relevant personal files, student, staff, or other.
- If the complainant is not satisfied with the outcome of the informal process, or finds it difficult to approach others informally, they may submit the issue in writing (this becomes a 'formal complaint').

## **FORMAL COMPLAINTS**

When a learner wishes to bring a formal complaint, this procedure will be discussed with them, and their options and choices clearly communicated. At this time, they can choose to have their complaint heard through the internal process or the external process and can choose to have someone be with them.

Formal resolution of a complaint involves the following steps.

1. Complaints must be made in writing to the Training and Administration Manager and should be a brief statement of the complaint and any relevant details including the complainant's contact details. The complainant must sign and date the statement.
2. The Training and Administration Manager will offer the complainant the opportunity to formally present their case with another person of their choice to assist if required.
3. The person who hears the complaint must be independent of the issue; that is, they must not be directly involved in the matter. This could be a person from an external agency.
4. The person who hears the complaint will record full details of the complaint, including: defining the problem; taking details of others involved and any informal processes already undertaken; recording any relevant events and dates and taking; any suggestions from the complainant about how the issue could be resolved.
5. The person who hears the complaint will discuss processes for investigation and resolution with the person who brought the complaint.
6. Others involved will be provided with a right of reply to the complaint and mediation might be involved if appropriate.
7. Once a decision has been decided by the person hearing the complaint, it will be discussed with the person bringing the issue forward, and put in writing to that person and others as applicable. All resolutions will include clear timelines for any action.
8. The Training and Administration Manager will follow up within an agreed timeframe to ensure the resolution is working.
9. The Jesuit Community College will complete the process within 14 days of receiving the complaint. If this is not possible, the Training and Administration Manager will provide a written notice to the complainant nominating a date for the completion of the process.

## **INDEPENDENT AGENCIES**

While we prefer to deal with complaints internally, sometimes learners might not be happy with this process. The complainant may choose to have their complaint resolved through the external process either at the beginning, or at any time throughout the resolution process.

Learners and others have the right to take complaints to external agencies:

- Learners also have the right to contact the JESUIT COMMUNITY COLLEGE regulatory body Australian Skills Quality Authority (ASQA).

## **INFORMATION RETAINED REGARDING COMPLAINTS**

The Training and Administration Manager will ensure records are kept as follows.

- The original complaint, the response, and all follow-up and notes related to the specific complaint will be filed in hard copy in the lockable filing cabinet. They also may be kept electronically under a password protected file. All information will be kept in the Training and Administration Manager's Office.
- Personal files of people involved will also contain relevant details, for example action to be taken.
- While this information is kept strictly confidential, complaints in general will be considered annually as part of the annual internal audit where the procedure for handling complaints will also be reviewed to ensure appropriateness.

## **APPEALS OVERVIEW**

Anyone can appeal any of our decisions by providing information in writing to the Training and Administration Manager, preferably as soon as possible after the decision.

If a learner disagrees with an assessment decision, including RPL, they are encouraged to discuss this with their assessor in the first instance. However they may make a formal appeal concerning the decision through the formal complaints procedure.

## **APPEALS PROCESS**

The appeal follows the procedure outlined below. The learner may choose to follow the internal appeals process, or seek external support for an appeals process (for example, Work Safe).

- An appeal about an assessment decision should be provided in writing to the Training and Administration Manager within 14 days of receiving notice of the assessment outcome. The appeal must include details of: the unit or units of competency; the assessment time and place; why they are appealing; any further information or evidence to support their appeal.
- The Training and Administration Manager will offer a re-assessment with another internal assessor. If this is not satisfactory to the appellant, the appeal will be referred to an assessor from another RTO.
- The assessor will re-assess the learner (or review evidence presented) and make a judgement.

- Appeals about any other matter will be handled in line with our complaints procedures.
- We will attempt to complete the appeals processes within 14 days of receiving the appeal notification. If a longer period of time is required, the Training and Administration Manager must inform the appellant in writing including the new date for the completion of the appeal.

## **APPEALS DECISIONS AND RECORDS**

- The Training and Administration Manager will provide the outcomes of the appeal in writing to the person bringing the appeal, including reasons for the decision.
- The person managing the appeal will place a copy of information on the appeal and outcomes to the relevant personal files, and will use the more general information in the review of assessment procedures for the course or unit.

## **CONTACT INFORMATION EXTERNAL BODIES**

The following groups and organisations may be consulted for more information or to help with dispute resolution.

- **National Training Complaints Hotline**
  - Tel: 1800 000 674 (free call)
- **Australian Skills Quality Authority (ASQA) Complaints Unit**
  - Phone: 1300 701 801
  - URL: <http://www.asqa.gov.au/complaints/making-a-complaint.html>
- **Consumer Affairs Victoria**
  - Level 2, 452 Flinders Street Melbourne 3000
  - Phone: 1300 55 81 81
  - email: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au) URL: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)
- **Victorian Equal Opportunity & Human Rights Commission**
- Level 3, 204 Lygon Street, Carlton 3053. Education, training, consultancy