

Student Complaints and Appeals Policy



Purpose

Complaints provide organisations with information about service delivery faults and organisational weaknesses. Complaint handling can be effective in resolving a problem before it gets worse, providing a remedy to the affected individual(s) who has suffered disadvantage, and nurturing good relationships between the IMVC and its people.

The purpose of this policy is to ensure that the IMVC has a fair and transparent means for the IMVC to respond to allegations and concerns. It ensures that the IMVC deals with complaints and appeals in a fair, timely and sensitive manner. The IMVC wants to make sure that people using this policy are satisfied with the outcome of a complaint or appeal.

Scope

This policy applies to all students of the IMVC and is made available on the IMVC website and in the student, trainer and VCAL student and parent handbooks.

Complaints made under this policy may be regarding the following issues:

- The provision and resources of a course/program or related student service by the IMVC
- The conduct of another student or students of the IMVC
- The conduct of a member of staff or volunteer of the IMVC
- People and organisations external to the IMVC with whom students interact in relation to their involvement with the IMVC, or as part of an approved work placement
- The interpretation and application of any policy, procedure or administrative process
- A health and safety issue
- An unresolved appeal against assessment
- An allegation of discrimination, harassment, or bullying

This policy does not apply to the following:

- A disciplinary decision of the IMVC
- A decision by the IMVC with respect to an access to information application, which shall be dealt with under the provisions of the IMVC Privacy Policy
- A concern regarding corruption, maladministration, fraud or serious waste
- A concern arising from a final decision that is subject to review or appeal under a specific policy or procedure of the IMVC
- Any other concern falling under a policy or procedure for which an appeal or complaints procedure is prescribed
- Any decision of the IMVC Board

Definition of a complaint

A complaint is a clear communication of a concern, dispute or grievance, including an expression of frustration or dissatisfaction. The communication may be oral or written, formal or informal.

Responsibilities

The Executive Officer is responsible for providing leadership in demonstrating commitment to the resolution of complaints made to the IMVC. The Executive Officer will refer complaints to the IMVC staff member most appropriate for handling specific complaints, and may be involved in making final decisions regarding complaints.

The Executive Officer is responsible for administering the IMVC Complaints Register.

Managers and coordinators are responsible for exercising primary responsibility for receiving and resolving formal complaints. They are also responsible for receiving and resolving informal complaints and any conflicts in a timely and fair way. This includes advising students of their right to make a complaint where appropriate, and providing advice and assistance to students who have a complaint.

Trainers are responsible for exercising primary responsibility for receiving and resolving informal complaints and conflicts in a timely and fair way. This includes advising students of their right to make a complaint where appropriate, and providing advice and assistance to students who have a complaint.

Students are responsible for providing clear and honest accounts of their concerns and their expectations for the outcome of their complaint. This includes providing all relevant information and documents to assist in the investigation and/or resolution of the matter.

Students are also responsible for engaging openly during the complaint handling process and participating in discussions with other parties to resolve concerns where appropriate. Students must show respect for all people involved in the process and provide further information in a timely manner.

Respondents are the people who a complaint is made about. Respondents are responsible for providing clear and honest accounts of their concerns and their expectations for the outcome of their complaint. This includes providing all relevant information and documents to assist in the investigation and/or resolution of the matter.

Respondents are also responsible for engaging openly during the complaint handling process and participating in discussions with other parties to resolve concerns where appropriate. Respondents must show respect for all people involved in the process and provide further information in a timely manner.

Student Rights

Support person: Students have the right to have a support person involved with any processes regarding a complaint. The following people may be considered as support persons:

- An IMVC program manager or other staff member
- A trainer who is not directly involved in the matter
- A fellow student not directly involved in the matter
- A friend, family member or carer of the student's choice

A support person may not be a paid barrister, solicitor or other legally trained person.

External advice or mediatory service: Students have the right at any time during the complaint and appeal process to seek the advice or mediatory services of an external independent body, for example the Dispute Settlement Centre of Victoria www.disputes.vic.gov.au. Should the student choose to seek alternative advisory or mediation services, the student will share the financial costs of such services.

Rights of staff involved in a complaint

IMVC staff are entitled at all times to be treated with respect and courtesy when handling complaints.

Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward staff, the Executive Officer may decline or direct the staff member to decline to further consider the complaint. The Executive Officer may institute proceedings for misconduct against the person under applicable policies of the IMVC or refer the matter to an external agency.

The IMVC may decline complaints

The IMVC may decline to deal with a complaint at any time where the Executive Officer forms the view that the complaint is:

- frivolous
- vexatious
- malicious
- not made in good faith
- misconceived
- lacking in substance
- lacking in currency

A complaint may also be declined where:

- A claim has been commenced (either by the student or the IMVC) in a court or before another judicial authority
- The subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency

- The subject matter of the complaint may be more appropriately dealt with by an external agency
- The IMVC has already dealt with the substance of the complaint in the past

Complaint handling principles

The following principles underpin the IMVC's complaint handling process:

Access: This policy and its associated procedures should be easily accessible, simple to understand and well-publicised to ensure ease of implementation. All IMVC students and staff members should understand how to receive and pass on student complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised; to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised. All members of the IMVC community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.

Natural justice and procedural fairness: All parties will be afforded natural justice and procedural fairness in the handling of complaints by the IMVC including:

- ensuring that all parties to a complaint know what to expect during the complaint handling process;
- carrying out the complaint handling process in a transparent manner;
- providing all parties with equal opportunity to participate in the process;
- treating all parties in a respectful manner; and
- providing reasons for decisions made.

Equity: The age, culture, disability, language, religion, gender and sexuality of the parties will be considered in actions and decisions related to a complaint. The IMVC will always endeavour to investigate concerns raised with it regardless of the manner in which they are expressed. A student will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome. Students and respondents will be entitled to be assisted by a support person which may be a member of the person's family, a friend, carer or other person (not being a solicitor, barrister or other legally trained person).

Confidentiality and Recording: The privacy and confidentiality of parties will be respected to the extent practicable and appropriate, with acknowledgment that matters may be subject to the requirements of legal and other authorities. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.

Resolution: Where it is within the IMVC's responsibility, fair and reasonable remedies will be offered where appropriate. There will be regular monitoring, review and reporting of complaints received and actions taken. The operation of the complaints handling process and findings will be reported to management and the Board to improve the IMVC's service delivery and learning environment. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of the IMVC's policies and operating environment.

Authority: Individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have (where specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.

Conflict of Interest: Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.

Referral of complaints

In general, the IMVC will consult with students to identify how a student wishes their complaint to be handled, and the outcomes the student is seeking without reference of the matter to third parties.

However, where the conduct complained about amounts to serious misconduct (e.g. serious risk to the health and safety of staff or students), to a criminal offence, or where mandatory reporting is legislated, the IMVC has an obligation to deal with the matter under the relevant rules and to refer the matter to the Police or other agency for investigation e.g. WorkCover.

Records

Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint. All records must be marked "Confidential".

Only the people who are: directly involved in the complaint; the resolution of the complaint, or; continuous improvement processes, will have access to information about the complaint. The outcomes of the complaint or appeal will be discussed at the RTO management meeting in order to put actions in place to reduce or eliminate the likelihood of recurrence, and as part of the IMVC continuous improvement process.

All documentation of complaints managed under this policy will be administered by the IMVC Executive Officer. Complaint documentation is to be kept in the Complaints Register, separate from student administration files, and these should be annotated only where a person has had a penalty imposed as result of disciplinary action as an outcome under this policy.

Time Limits

The time limit set out in the procedures approved under this policy must be complied with if reasonably practicable. It is recognised that time delays may be experienced where communication is required across venues or with other external bodies. In exceptional circumstances, where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the student will be kept informed of the progress.

While staff must endeavour to comply with time limits, no action or determination made under the procedures is invalidated simply because a time limit is exceeded.

A reference to days means working days, that is, days on which the IMVC ordinarily opens for business, unless otherwise stated.

Decision Making

The overriding intent of this policy and its associated procedures is to ensure that complaints are dealt with in a fair and impartial manner and that complaints are resolved in a timely and effective way.

Where the application of this policy, or the procedures made under this policy, would lead to a process or result that is inconsistent with the principles of natural justice or procedural fairness, or the adoption of a different approach would lead to a more timely and efficient resolution of a complaint, the staff member handling the complaint may vary the procedures to the extent necessary. In general, a decision to adopt procedures that are inconsistent with the procedures established by the IMVC should be discussed with the Executive Officer before implementation and communicated to the parties, including the reasons for the decision.

Appeals

All students of the IMVC have the right to appeal decisions made by management and staff of the IMVC.

Procedures for dealing with appeals on assessment decisions are addressed by the relevant trainer/assessor in the first instance - Refer to the applicable assessment policy.

Where assessment decisions cannot be resolved between the student and relevant staff member then this policy and associated procedures will apply.

All decisions made by managers may be appealed to the Executive Officer. Decisions made by the Executive Officer under this policy and associated procedures can be appealed to the IMVC Board for further decision.

Associated documents

- Student Bullying Prevention Policy
- Student Disciplinary Procedures
- Student Code of Conduct
- Staff Code of Conduct
- applicable Assessment Policy
- Student Complaints and Appeals Procedure
- Student Complaints & Appeals Form