

<b>Goulburn Ovens Institute of TAFE</b>	<b>Title: Complaints and Appeals from Students and Clients procedure</b> <b>Executive approved: 7/10/2014, 21/08/2018</b> <i>Amended: 24/11/2014, 14/04/2015, 1/09/2015, 6/04/2016, 5/05/2016, 23/08/2016, 27/02/2017, 24/05/2017, 8/09/2017, 10/08/2018</i>
<b>Procedure no. PRQM-170</b>	<b>Responsible Officer: Manager: Quality and Sustainability</b>
<b>Refer Policy no. POQM-01</b>	<b>Authorising Officer: Executive Manager Business Transformation</b> <b>Review: Annual (1<sup>st</sup> September 2019)</b>
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## Complaints and Appeals from Students and Clients procedure

### 1. PURPOSE

The purpose of this procedure is to provide clear guidance to Goulburn Ovens Institute of TAFE (GOTAFE) staff and students and clients of GOTAFE's complaint and appeal handling processes.

### 2. SCOPE

This procedure applies to all students, prospective students and clients of GOTAFE.

Complaints may cover any aspect of GOTAFE operations, including academic matters, non-academic matters and matters relating to GOTAFE management and staff and any subcontractor and its staff undertaking work related to its arrangement with GOTAFE, except students appealing against a penalty imposed on them pursuant to the Student Code of Conduct Policy or Student Code of Conduct Procedure.

### 3. DEFINITIONS & GENERAL PRINCIPLES

#### 3.1 Definitions

Appeal	A request to reverse a decision or outcome from a formal complaint or an awarded grade or result when a student feels that the examinations or assessment procedures have not been correctly followed and a review of the awarded grade or result is merited. Academic appeals may also relate to decisions regarding student progress and awards in a course of study.
Appellant	Any person who initiates an appeal on their own behalf or on behalf of another aggrieved person or persons.
Complainant	Any person who initiates a complaint on their own behalf or on behalf of another aggrieved person or persons.
Discrimination	Any action which specifically excludes a person or group of people from a benefit or opportunity or significantly reduces their chances of obtaining it, because of a personal characteristic that is irrelevant to the situation (direct discrimination), or the outcome of rules, practices and decisions which treat people equally and therefore appear to be neutral, but which in fact reduce significantly an individual's chance of obtaining a benefit or opportunity (indirect discrimination).
Complaint	Treatment and/or decisions which are perceived to adversely affect the individual or group.

Principles of natural justice	All parties to a complaint or appeal have the opportunity to put their case and have this properly considered.  Any allegation against a GOTAFE staff member or member of a subcontractor party is made known to that person.
Principles of natural justice (continued)	Investigations and decisions are made by persons who do not exercise bias.  A complainant will not suffer any discrimination, victimisation or harassment as a result of using the complaint or appeal process.  Confidentiality is maintained to the extent of the people that need to be directly involved in the complaint or appeal process.  Relevant records are available to complainants, appellants and respondents as far as information privacy and freedom of information principles allow.
Respondent	A person against whom an alleged complaint is directed.

### 3.2 General Principles

The guiding principles of this procedure are that complaints and appeals are:

- treated seriously and with fairness;
- treated consistently across GOTAFE;
- conducted in accordance with the principles of natural justice;
- resolved, wherever possible, in an informal manner without recourse to the formal stages; and
- conducted without cost to the complainant for the lodgement or process involved.

Key performance indicators for response, resolution and communication are:

- Initial response – contact the student/client within 2 working days;
- Resolution and response following investigation: items other than allegations against a GOTAFE manager, staff member or subcontractor - within 10 calendar days
- Resolution and response following investigation – allegations against a GOTAFE manager, staff member or subcontractor - within 20 calendar days
- Written communication to the student/client if more than 60 calendar days are required to process and finalise a complaint or appeal – within 40 calendar days
- Appeal Panel scheduling – within 10 working days from notification of an appeal
- Appeal outcome notification to the appellant – in writing within 5 working days of the appeal hearing.

## 4. PROCEDURE

### 4.1 Complaint and Appeal Options

Students and clients have options as to how they initially raise a complaint or concern, which can be informally or formally made, and an appeal process if not satisfied with the resolution of a complaint.

If a complainant is dissatisfied with the outcome of a formal appeal, the final option is for the matter to be dealt with through an external resolution process by an external mediation body.

The GOTAFE complaint and appeals process comprises four stages:

- Informal (Stage 1)
- Formal Complaint (Stage 2)
- Formal Appeal (Stage 3)
- External Complaint (Stage 4)

#### **4.2 Informal Stage (stage 1)**

Students and clients are encouraged to discuss any issues with the relevant teacher, assessor, staff member or relevant manager in the first instance to attempt to resolve their concerns.

Students or clients who are uncertain as to whom to discuss their concerns with may contact the Manager: Quality & Sustainability on 1300 GOTAFE (1300 468233) for a referral contact.

Where this informal stage fails to reach an agreed resolution, the student or client may elect to lodge a written complaint.

#### **4.3 Formal Complaint Stage, including Client Feedback (stage 2)**

Formal complaints to GOTAFE can be made in writing, addressed 'Confidential' to the CEO, Goulburn Ovens Institute of TAFE, 152-200 Fryers Street, Shepparton, 3630 or made on an online client feedback form available at <http://feedback.gotafe.vic.edu.au/feedback.cfm>

A client feedback form is also available from reception at each campus site. Students or clients can detail their concerns, whereby information on the paper-based form is directed to the campus manager (or equivalent) for transcribing on to the online client feedback system.

When submitted, the feedback is directed to the Manager: Quality & Sustainability for review and referral to the most appropriate manager or staff person depending on the type of feedback and confidentiality required.

Managers/staff that are assigned client feedback are to contact the student or client to discuss the feedback and outline the resolution process planned. A target of two working days is set for initial contact and 10 calendar days to investigate and resolve issues (or 20 calendar days for allegations against staff members), although some matters may take much longer to resolve. In these circumstances progress is to be communicated to the student or client throughout the investigation and resolution process. Where more than 60 calendar days are required to finalise a complaint the reasons for this are to be communicated in writing to the complainant.

Processes for Client Feedback appear at Appendix 1.

If a complainant is not satisfied with the resolution communicated to them, they may lodge a formal appeal to an Appeals Panel via the Executive Manager: Education Operations.

#### **4.4 Formal Appeal (stage 3)**

The Appeals Panel represents the third (formal appeal) stage of the complaint and appeals process.

A complainant not satisfied with the decision or proposed resolution from a complaint process may lodge a formal appeal. The appeal must be submitted within 20 working days of receipt of the notification of a resolution or decision from the complaint process.

Students who are unhappy with a formal/published result may also lodge a formal appeal. The academic appeal must be submitted within 20 working days of the result being made available to the student.

Students may appeal the assessment result based on:

- the assessment was not conducted in accordance with stated GOTAFE assessment procedures;
- a technical or administrative fault was involved in determining the result;
- a material irregularity occurred in making an academic decision;
- discrimination was involved in determining the result.

A formal appeal is made to an Appeals Panel via the Executive Manager: Education Operations and is to be addressed 'Confidential', Executive Manager: Education Operations, Goulburn Ovens Institute of TAFE, Docker Street, Wangaratta, 3677.

Upon receipt of a formal appeal, the Executive Manager: Education Operations shall acknowledge receipt of the appeal and notify the complainant in writing of an Appeals Panel hearing, including the date, place and time of the hearing, which commences within 10 working days of the formal lodgement of the appeal.

Processes for the Appeals Panel appear at Appendix 2.

#### **4.5 External Complaint (stage 4)**

The Victorian Ombudsman takes complaints about Victorian state and local government departments and agencies (including TAFEs). When you make a complaint to the Ombudsman about a government action or decision, the Ombudsman can look into it, tell you what occurred, whether it was reasonable or unreasonable; and she can also make recommendations to the government body about its conduct.

The Ombudsman is independent and impartial and provides a free service.

A complaint can be made to the Ombudsman via the following details:

Phone: (03) 9613 6222 or 1800 806 314 (Regional Only)

Website: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

#### **4.6 Communication of the Complaints and Appeals Procedure**

All GOTAFE staff are to be made aware of this procedure, including new staff as part of the induction program. All students are to be made aware of this procedure through the induction process at the commencement of a program.

This procedure is to be made available publicly on the GOTAFE website and referenced in the GOTAFE Student Handbook.

### **5. DOCUMENTATION**

[Complaints and Appeals from Students and Clients Policy – POQM-01](#)

[GOTAFE Access and Equity Policy – E24](#)

[Standards for Registered Training Organisations \(RTOs\) 2015 – ODQU-03](#)

*Charter of Human Rights and Responsibilities Act 2006 (Victoria)*

*Privacy and Data Protection Act 2014 (Victoria)*

[VET Student Loans Rules 2016](#)

[Client feedback form – FQA-05](#)

Appendix 1 – Client feedback process (attached)

Appendix 2 – Appeals panel process (attached)

## Appendix 1 – Client Feedback Process

Managers/staff receive email notification of client feedback from the Manager: Quality & Sustainability and are responsible to:

- initiate contact with the student/client to discuss the feedback within two working days from the date of client feedback
- address the issue promptly with a view to resolving the issue within 10 calendar days (or 20 calendar days for allegations against staff members)
- contact the student/client to advise the proposed resolution or completed action. If resolution is not achieved within the target timelines to regularly update the complainant on the progress of the matter
- If more than 60 days are anticipated to resolve a complaint, notify the student/client in writing the reasons why this time is expected to be needed to resolve matters.

Managers, on determining resolution of an issue are required to:

1. notify the student/client of the resolution by phone contact or email, as appropriate, and in writing by email or letter for all feedback where the student/client has initially nominated their feedback as a 'Complaint', providing reasons for the decisions made, and advice on how to appeal the decision if desired.
2. retain a copy of investigation notes and all relevant documents.

Group, Executive or General Managers are to have all feedback providing adverse comment on GOTAFE staff within their division escalated to them for investigation and response.

Commercial Managers are additionally responsible to ensure that commencing students are made aware of the client feedback process during induction and the option of completing a paper-based form or online form. This includes off campus and workplace-based students.

The Manager: Quality & Sustainability has an oversight function for all client feedback and a key role in analysing and reporting on issues and trends to Executive as part of continuous improvement processes.

## Appendix 2 – Appeals Panel Process

The Appeals Panel will comprise the following, provided individuals in positions nominated are not a respondent to a complaint, to which case a replacement position will be allocated:

- i. for academic appeals:
  - the Executive Manager: Education Operations (or their nominee) as Chair;
  - a manager nominated by the Executive Committee from a teaching division other than that in which the appellant is enrolled;
  - a teaching staff representative nominated by the Executive Committee from a teaching area other than that in which the appellant student is enrolled;
- ii. for other, non-academic appeals:
  - the Executive Manager: Education Operations (or their nominee) as Chair;
  - a manager nominated by the Executive Committee from a division other than that in which the appeal refers to (as appropriate)
  - a staff representative nominated by the Executive Committee from a teaching area other than that in which the appellant is/was enrolled or relates to, if the complaint relates to education delivery, or a staff representative from an un-related corporate/support area for complaints outside of education delivery.

The Appeals Panel shall meet to hear the appeal within 10 working days of the formal lodgement of the appeal.

The appellant is able to nominate a support person to be present at the Appeals Panel hearing, who can be either a GOTAFE employee or person external to the organisation.

All formal appeals, including academic appeals, should include detail of the reasons for the complaint.

The Appeals Panel shall hear the appeal and if required, the Chair shall have a casting vote. The decision of the panel shall be final.

The Appeals Panel shall meet initially to decide how and when it will conduct the appeal.

The Panel may arrange pre-appeal hearing meetings with the relevant parties prior to the appeal hearing.

At the appeal hearing:

- i. All parties concerned shall be given the opportunity to submit documents to the Appeals Panel. These documents must be provided to the Chair at least five (5) days prior to the Appeals Panel hearing meeting to enable the Appeals Panel time to examine the documents. This requirement shall be documented in the notification letter.
- ii. The appellant shall be given the right to appear personally and present their evidence to the Appeals Panel and may choose a representative to be present at the appeal hearing, but neither, the appellant, or any representative, shall be present whilst the Appeals Panel is considering its decision.
- iii. For academic appeals, the teaching unit in which the student is enrolled will be given the right to appear, or a teaching member may be required to attend the appeal hearing to respond to questions, but the teaching unit or teaching member shall not be present whilst the Appeals Panel is considering its decision.

- iv.            The Appeals Panel shall meet in private to deliberate its decision.
- v.             The Appeals Panel, having considered an appellant's appeal, shall either disallow the appeal, or allow the appeal and determine what the appellant be entitled to. For academic appeals this may include:
  - Special examination, re-test or challenge test
  - Oral examination
  - Extension of writing/reading time
  - Variation to means of assessment
  - Re-assessment by an independent examiner
  - Re-assessment of grading.
- vi.            Notification of the decision shall be forwarded to the appellant in writing within five (5) working days of the appeal. If an appeal is rejected, reasons for rejection shall be stated in writing. The appellant is to be advised about the option to have the decision reviewed by an external mediator.
- vii.           The Chair shall retain a formal record of the proceedings of the Appeals Panel and present a report for endorsement by the Executive Committee at its next meeting.
- viii.          Records of the Appeals Panel shall be maintained by the Registrar.