

Feedback, Complaints and Appeals Management Procedure

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PURPOSE

GOTAFE is committed to building a culture that is open and receptive to feedback and is committed to resolving complaints and appeals. The purpose of this procedure is to outline how GOTAFE manages feedback, complaints and appeals made by employees, students and other stakeholders about GOTAFE's operations, systems, facilities or service delivery, including non-academic matters (i.e. matters relating to enrolment in a course and personal information held by GOTAFE) to ensure they are treated fairly, efficiently and effectively.

This procedure aims to assist GOTAFE representatives to ensure the principles of natural justice and procedural fairness are upheld at every stage of the feedback, complaints and appeals management process.

RELEVANT POLICY/ POLICIES

This procedure relates directly to the following policy documents:

- GOTAFE Employee Code of Conduct
- GOTAFE Student Code of Conduct
- Feedback, Complaints and Appeals Management Policy

ROLES AND RESPONSIBILITIES

All GOTAFE employees have an obligation to comply with this procedure when handling feedback, complaints and appeals, including any employees that are directly or indirectly involved in any investigations.

The Feedback Coordinator is responsible for allocating all complaints and appeals received through the Customer Relationship Management (CRM) system to the relevant division and for advising the complainant or appellant of the resolution process.

An Investigator will be assigned to all formal complaints and be responsible for conducting the investigation, including interviews with the person(s) involved, and for notifying the complainant and respondent of the outcomes of all investigations.

A Reviewer will be assigned to all internal appeals and be responsible for reviewing information presented, including chairing appeal hearings, and for notifying the appellant of the outcome.

DEFINITIONS

<i>Appeal</i>	Any documented request to review a resolution of an investigation or assessment decision; or sanction relating to academic progress or attendance; or decision not to accept an applicant into a course
<i>Appellant</i>	Any GOTAFE employee, student, potential student, employer of a student or customer who has requested a review of an investigation or assessment decision or sanction relating to academic progress or attendance via the online feedback form or Appeals Management Form
<i>Complainant</i>	Any GOTAFE employee, student, potential student, employer of a student or customer who has lodged a formal complaint via the online feedback form or Complaints Management Form
<i>CRM</i>	Customer Relationship Management system. Information in the system is managed by the Feedback Coordinator.
<i>Feedback Coordinator</i>	The Feedback Coordinator for GOTAFE is the Manager, Corporate Governance, or designate.
<i>Formal Complaint</i>	Any documented complaint raised by a GOTAFE employee, student, potential student, employer of a student or customer or someone acting on their behalf with consent
<i>Investigator</i>	An independent member of the management team appointed to investigate a formal complaint
<i>Natural Justice principles</i>	<p>The right of an individual to know the allegation(s) being made against him or her</p> <p>The right of each party to be heard (including in writing) in respect to the allegations</p> <p>The right of each party to be treated fairly</p> <p>The right of each party to an investigator and a decision maker who acts fairly and in good faith; and</p> <p>The right that a decision is based on evidence</p>
<i>Respondent</i>	An individual against whom a complaint has been made
<i>Reviewer</i>	An independent member of the management team assigned to review an appeal
<i>Serious Misconduct</i>	An instance or event where a GOTAFE employee behaves in a way that is inconsistent with continuing their employment, such as causing serious and imminent risk to the health and safety of another person or the reputation or profits of GOTAFE, theft, fraud, assault, or refusing to carry out a lawful and reasonable instruction that is part of the job

PROCEDURE

Complaints and appeals should be raised as soon as becoming aware of an issue. In the case of appeals about results, assessments and requests for special consideration, students are expected to submit an appeal within 10 working days of notification.

All other complaints should be submitted within 12 months of the event occasioning the complaint.

At any time during the resolution process a complainant may withdraw the complaint or appeal which will conclude the matter and it will be deemed as resolved. The withdrawal must be provided in writing.

GOTAFE's Feedback, Complaints and Appeals Management Framework is founded on the *Victorian Ombudsman's Complaints: Good Practice Guide for Public Sector Agencies* guidelines. In discharging the responsibilities of this procedure, GOTAFE will:

- address each complaint and appeal in an objective, equitable and impartial manner
- manage complaints and appeals in accordance with the principles of procedural fairness and natural justice
- take reasonable steps to ensure that people making complaints and appeals are not adversely affected because a complaint or appeal has been made by them or on their behalf
- manage all conflicts of interest, whether actual or perceived
- ensure that complaints and appeals made about a staff member are handled by someone other than the person about whom the complaint is made; and
- ensure complaints are accurately recorded and the data collected is sufficient to analyse and identify system-wide and recurring issues and inform continuous improvement opportunities
- ensure no student is victimised or discriminated against for:
 - a) seeking review or reconsideration of a decision; or
 - b) using GOTAFE's processes or procedures to deal with grievances; or
 - c) making an application for withdrawal, deferral or re-crediting of a FEE-HELP balance.

The GOTAFE complaints and appeals resolution process comprises four stages, these are:

- Stage 1: Informal Complaint
- Stage 2: Formal Complaint
- Stage 3: Formal Appeal
- Stage 4: External Referral

GOTAFE will attempt to resolve all complaints at Stage 1, unless the complaint relates to a concern of serious misconduct or a serious breach of GOTAFE policies, procedures or relevant legislation

STAGE 1: INFORMAL COMPLAINT

Wherever possible, the complainant is encouraged to discuss any issues with the respondent directly to attempt to resolve their concerns.

Complainants are encouraged to contact their teacher, assessor or other GOTAFE employee to attempt to resolve their concerns, or to contact 1300 GOTAFE (1300 468 233) for general assistance.

GOTAFE employees should raise all complaints or issues of a general nature with a member of the management team or People and Culture representative who will attempt to resolve the concern immediately.

Informal complaints will not be recorded in the Customer Relationship Management (CRM) complaints handling system.

Any complaints considered serious misconduct or a serious breach of GOTAFE policies, procedures or relevant legislation will be escalated for formal management.

STAGE 2: FORMAL COMPLAINT

Complaints that cannot be resolved immediately with either the respondent, management or a People and Culture representative, or that are of a serious nature, may be raised formally.

All internal complaints or issues which relate to a member of GOTAFE staff, must be raised in line with the PRHR-191 Issue Resolution and Investigation Procedure.

All other formal complaints may be submitted via the online feedback form on the GOTAFE internet and intranet sites or by:

- submitting a Complaint Management Form in person at a GOTAFE campus,
- phone on 1300 468 233 or 03 5833 2555
- post and addressed to:

Attn: Feedback Coordinator
GOTAFE
152-200 Fryers Street
Shepparton
VIC 3630

Details and a copy of the Complaint Management Form must be entered onto the Customer Relationship Management (CRM) system by the Feedback Coordinator within 2 working days of receipt.

The details to be recorded on the Customer Relationship Management (CRM) system includes:

- how and when the complaint was received
- a description of the complaint
- the complainants contact details (unless they wish to remain anonymous)
- the complainants desired outcome
- the officer responsible for handling the complaint
- the action taken, including contact with the complainant, the outcome and any remedies
- when the complaint was finalised; and
- any other relevant information or documentation

All formal complaints will be subject to investigation.

Investigation

Investigations may be undertaken internally or externally with due consideration of the following criteria:

- the nature and the potential severity of the complaint
- the cause of the complaint
- the seniority of the respondent
- the relationships involved
- confidentiality of the matter
- possible legal issues and
- the capacity of the organisation to deal with the complaint appropriately.

Investigator(s) appointed to the investigation will be impartial to the complaint. Internal investigations will be conducted by GOTAFE employees who have not been involved in

the issue and may include a People and Culture representative and/or members of the leadership team where appropriate. External investigations will be referred to an independent third-party provider.

Within two days of receipt of a complaint through the CRM, the Feedback Coordinator will:

- respond to the complainant advising the complaint investigation and resolution process and expected outcomes; and
- assign the complaint to the Investigator as set out in the table below:

Type of Complaint	Investigator
All complaints relating to the performance of a GOTAFE employee	Employee's Director, unless the complaint relates to that Director in which case it will be directed to a member of the Executive Leadership Team or the CEO. All internal complaints must be raised in line with the PRHR-191 Issue Resolution and Investigation Procedure
All complaints relating to the CEO	Board Chair
All complaints relating to GOTAFE's operations, systems or system delivery, including non-academic matters (i.e. matters relating to enrolment in a course)	Director responsible for the operations, systems or system delivery that is the subject of the complaint. The relevant Executive Director is to be notified of the complaint.
All complaints relating to GOTAFE's facilities	Director, Asset Management and Facilities. The Executive Director, Corporate Services is to be notified of the complaint.
All complaints relating to an alleged privacy breach, including personal information held by GOTAFE	Privacy Officer

A formal investigation process will involve the investigator(s) interviewing all relevant parties including any reported witnesses to an incident. Parties interviewed may bring a support person to the meeting who is not a legal practitioner if they wish to do so.

Any person involved in the investigation and resolution of a complaint must not be the subject of a conflict of interest and should act independently and impartially regardless of any prior relationship with any of the parties involved.

Where a conflict of interest exists, or the Investigator is a party to the complaint the Executive Leadership Team shall determine an alternative Investigator to be assigned.

All details of the investigation are to be recorded in the CRM.

Response Times

GOTAFE will endeavor to resolve all complaints in line with the timeframes and method set out in the table below:

Description	Method	Timeframe
All complaints relating to the performance of a GOTAFE employee	Phone / Email	Up to 2 working days
Resolution and response following investigation (items other than allegations against a staff member, contractor or sub-contractor)	Email / Letter	Up to 10 working days
Resolution and response following investigation (allegations against a GOTAFE staff member, contractor or sub-contractor)	Email / Letter	Up to 20 working days

For complaints that are complex or otherwise require more than 60 calendar days to finalise, the Investigator must notify the complainant in writing to explain why more time is required and to advise an expected timeframe for resolution. An update on progress should be provided regularly.

All complaints that are older than 20 working days should be reviewed and escalated, if necessary, to expedite a resolution.

If the complainant does raise new issues, they need to be assessed on their merits, and may need to be treated as a new complaint to avoid delaying the process.

Resolution

The Investigator will communicate the outcomes of all investigations to the complainant and respondent in writing, unless the complaint has been raised anonymously, and advise the complainant of their right for the complaint to be reviewed by another relevant review body. For legal and privacy reasons the complainant may not receive any detail about the specific action taken.

The investigation may lead to one or more of a number of possible resolutions being implemented. These include:

- an explanation
- an apology
- mediation
- an admission of fault
- a change in decision
- a change in policy, procedure or practice
- a correction of misleading records
- financial reimbursement, including a refund of fees
- waiving of debt
- remission of a penalty
- disciplinary action; or
- referral to another agency for further investigation

Disciplinary action may include counselling, written warning, suspension or in more serious cases, termination of employment. All disciplinary sanctions will be guided by the relevant enterprise agreement and GOTAFE termination or discipline procedures.

Details of the resolution(s) are to be recorded in the CRM, including a copy of all written correspondence provided to the complainant and/or respondent.

STAGE 3: FORMAL APPEAL

If a complainant or respondent is not satisfied with the resolution of an investigation they may lodge a formal appeal.

Students may also lodge an appeal against an assessment decision or sanction relating to academic progress or attendance; or a decision not to accept an applicant into a course.

GOTAFE's appeals process provides an internal avenue for review of a complaint resolution, assessment decision or academic sanction by management not involved in the original decision making.

Formal appeals must be lodged within 20 working days of written notification of the outcome of a complaint, notification of the outcome of an assessment, academic progress or attendance sanction. At GOTAFE's discretion, appeals submitted outside of these timeframes may also be considered.

Appeals must be submitted via:

- the online appeals form on the GOTAFE internet and intranet sites
- by submitting an Appeals Management Form either in person at a GOTAFE campus
- by phone on 1300 468 233
- by post and addressed to:

Attn: Feedback Coordinator
GOTAFE
152-200 Fryers Street
Shepparton
VIC 3630

Appeals Management Forms must be entered onto the Customer Relationship Management (CRM) by the Feedback Coordinator within 2 working days of receipt.

The details to be recorded on the Customer Relationship Management (CRM) system includes:

- how and when the appeal was received
- a description of the appeal
- the grounds for appeal
- the appellants contact details
- the appellants desired outcome
- the officer responsible for handling the appeal
- the details of the appeal hearing, including any meetings, the outcome and any remedies
- when the appeal was finalised; and
- any other relevant information or documentation

Appeal hearing

Within two days of receipt of an appeal through the CRM, the Feedback Coordinator will:

- respond to the appellant advising the appeal hearing process and expected outcomes; and
- assign the appeal to the Reviewer as set out in the table below

Type of Complaint	Reviewer
Appeals against an outcome of an investigation, or a decision or proposed resolution to a formal complaint	CEO
Appeals against an assessment, result or academic decision	Executive Director, Education

Appeals will be facilitated by the Reviewer unless that person is a party to the appeal in which case the Executive Leadership Team shall determine an alternative Reviewer to be assigned.

Internal Appeal Panel

The Reviewer shall establish an Internal Appeal Panel, consisting of individuals who have had no prior dealings with the preceding issue. For assessment appeals, an independent qualified assessor will be on all Internal Appeal Panels.

The appellant will be notified of the members of the appeal panel in writing.

The appellant is entitled to address the appeal panel or have an advocate to do so. The appellant also has the right to have a support person that is not a legal practitioner at any meetings relating to the appeal.

Any person involved in the process must not be the subject of a conflict of interest and should act independently and impartially regardless of any prior relationship with any of the parties involved.

The decision of the Internal Appeal Panel is final. If required, the Reviewer shall have the casting vote.

All details of the appeal are to be recorded in the CRM by the Feedback Coordinator.

Response Times

GOTAFE will endeavor to resolve all appeals in line with the timeframes and method set out in the table below:

Description	Method	Timeframe
Scheduling of an internal appeal panel hearing	Email / Letter	Up to 10 working days from notification of an appeal
Appeal outcome notification to the appellant	Email / Letter	Up to 5 working days from an appeal hearing

For appeals that are complex or otherwise require more than 60 calendar days to finalise, the Reviewer must notify the appellant in writing to explain why more time is required and

advise an expected timeframe for resolution. An update on progress should be provided regularly.

All appeals that are older than 20 working days should be reviewed and escalated, if necessary, to expedite a resolution.

If the appellant does raise new issues, they need to be assessed on their merits, and may need to be treated as a new complaint to avoid delaying the process.

All details of the appeal are to be recorded in the CRM, including a copy of all written correspondence provided to appellant.

Resolution

The Reviewer will communicate the outcomes of all appeals to the appellant in writing and advise them of their right for the complaint to be referred externally.

An appeal may lead to one or more of a number of possible resolutions being implemented. These include:

- the outcome of a prior investigation being amended
- special examination, re-test or challenge test
- oral examination
- extension of reading/writing time
- variation to means of assessment
- re-assessment by an independent examiner; or
- re-assessment of grading.

All details of the resolution(s) are to be recorded in the CRM, including a copy of the written correspondence provided to the complainant and respondent.

STAGE 4: EXTERNAL REFERRAL

Complainants are entitled under Australian law to seek a review of their complaint or appeal to

an external agency. These agencies may require that sufficient attempts have been made to resolve the issue with GOTAFE before it will be considered.

If GOTAFE is unable to assist the complainant or the complaint is outside GOTAFE's jurisdiction, the following agencies are available:

- **Ombudsman Victoria** – Any person who thinks they have been treated unfairly may make a complaint to the Ombudsman. The Ombudsman will then consider the complaint and the administrative actions of the agency.
- **Victorian Equal Opportunity and Human Rights Commission** – Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice
- **Office of the Public Advocate** – An independent statutory body established by the Victorian State Government, working to protect and promote and safeguard the interests of people with a disability.
- **Office of the Victorian Information Commissioner** – The primary regulator and source of independent advice to the community and Victorian government about how the public sector collects, uses and shares information.

- **Dispute Settlement Centre (Victorian Department of Justice)** – Provision of free dispute resolution across Victoria to appropriately resolve issues.
- **Independent Broad-based Anti-corruption (IBAC)** – the key body who investigates complaints regarding improper conduct of public officers and public bodies.
- **Victorian Government Purchasing Board (VGPB)** – a Victorian Government-owned body corporate that sets the policies that govern procurement of non-construction goods and services across all Victorian Government departments and some public bodies.
- **Victorian Auditor-General Officer (VAGO)** - conducts audits to ensure that public sector entities are transparent and accountable to the Victorian Parliament and the community.

FEES AND CHARGES

GOTAFE will not charge any fees or charges to submit a complaint or appeal. Any fees payable for external referral services will be incurred by the complainant or appellant.

DOCUMENTATION AND REGULATION

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

Other material related to the Complaints and Appeals Resolution function at GOTAFE include, but are not limited to:

- Appeals Management Form
- Charter of Human Rights and Responsibilities Act 2006 (Victoria)
- Complaints: Good Practice Guide for Public Sector Agencies September 2016
- Complaints Management Form
- GOTAFE Feedback, Complaints and Appeals Management Framework
- PRHR-191 Issue Resolution and Investigation Procedure
- Privacy and Data Protection Act 2014 (Victoria)
- Skills First Quality Charter
- VET Student Loans Rules 2016
- ASQA Standards for Registered Training Organisations (RTOs) 2015