

1 Purpose

To ensure the Institute adopts a fair and prompt approach to the resolution of complaints and appeals in accordance with the Institute’s guiding principles as outlined in the Complaints and Appeals Policy.

2 Scope

This procedure applies to all complaints and appeals received by the Institute, made by students (current, past or prospective), business or agencies, employers and/or members of the general public about the Institute or its services, or services provided on behalf of the Institute by a third party.

This procedure does not apply to complaints and appeals received from employees of the Institute.

The scope of this procedure applies to complaints and appeals that are received and responded to internally at the Institute. In instances where a concern or complaint leads to a reasonable suspicion of unlawful behaviour that puts an individual, the Institute or the community at risk, it is highly likely that the matter will be referred by the Institute to a relevant law enforcement agency.

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4 Definitions

ACRONYM / Term	Definition
Appeal	A formal request for a change in or confirmation of a decision
Appellant	A person submitting an appeal
CEO	Chief Executive Officer
Complainant	A person making a complaint
Complaint	An expression of dissatisfaction that arises when a person believes they have been wronged because of an action, decision or omission within the control or responsibility of the Institute.

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Complaints and Appeals Procedure – Students & Community

Formal Complaint	A complaint that has not been resolved at the informal level, and which is lodged in writing, investigated and responded to in a prescribed manner.
Guiding Principles	As outlined in the Institute’s Complaints and Appeals Policy, the Institute’s guiding principles for the management of complaints are: <ul style="list-style-type: none"> • Commitment • Accessibility and Transparency • Responsiveness • Procedural Fairness • Confidentiality and Privacy • Continuous Improvement • Informal Resolution
Informal Complaint	A complaint made to a member of staff through the course of the day-to-day operations of the institute, received through feedback channels, face-to-face communication, email, or telephone, that is commonly resolved at the first point of contact, or at the lowest operational level.
Investigating officer	The trained staff member delegated the responsibility of investigating and responding to the complaint.
Previous student	A student who has completed a course of study with the Institute and is no longer enrolled.
Prospective student	A person seeking to enrol with the Institute
Public Interest Disclosure	The Public Interest Disclosures Act 2012 (Vic) ensures that people who report improper conduct and corruption in the Victorian public sector (whistleblowers) can do so in the knowledge that they will be protected. Protections include keeping the identity of the person reporting improper conduct confidential and protecting them from reprisals including bullying, harassment or legal action. Note - In accordance with the Public Interest Disclosures Act 2012, Sunraysia Institute of TAFE cannot offer the legal protections of a public interest disclosure. A complainant seeking to make a disclosure, must refer the concern or complaint to the Victorian Ombudsman’s Office or the Independent Broad-based Anti-Corruption Commission (IBAC) .
CRU	Compliance & Risk Unit
Respondent	A person about whom a complaint is made
Responsible Officer (Investigating Officer)	The staff member who is delegated responsibility for investigating and responding to a complaint
SSS	Student Support Services

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Student	Any person enrolled with Sunraysia Institute of TAFE for a course of study undertaken through SuniTAFE or through a third-party providing services on SuniTAFE's behalf.
The Institute	Sunraysia Institute of TAFE (SuniTAFE)

5 Actions

5.1 Guiding Principles and general information

- 5.1.1 The Institute's Complaints and Appeals Policy outlines the guiding principles for managing complaints and appeals, including: commitment, accessibility and transparency, responsiveness, procedural fairness, confidentiality and privacy, continuous improvement and informal resolution.
- 5.1.2 A Complaints and Appeals Process Flowchart is available at Appendix 1 of this document.
- 5.1.3 Complaints and appeals made to the Institute are free of charge.
- 5.1.4 In the case of complaints about results or assessment outcomes, students are expected to submit complaints **within 21 working days**.
- 5.1.5 In the case of all other complaints, complainants are expected to submit complaints **within 12 months** of the event occasioning the complaint.
- 5.1.6 Throughout a complaint or appeal process, the Institute will maintain the student's enrolment while the process is underway, however this does not necessarily mean that the student must attend classes.

5.2 Informal complaint - Frontline complaint resolution

- 5.2.1 Where possible, a person's dissatisfaction should be managed and resolved via frontline resolution as close to the source or first point of contact as soon as possible through discussion or mediation (where appropriate) before initiating formal complaint and appeal procedures.
- 5.2.2 Where appropriate, the complainant should make an initial approach to the relevant respondent to address concerns.
- 5.2.3 Informal complaints may be received at various points across the Institute. Staff members who receive an informal complaint must refer the complaint to the most appropriate departmental Manager (responsible officer), who must acknowledge the complaint by contacting the complainant (e.g. via discussion, email, phone call etc.) within one (1) business day of receiving the complaint.

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- 5.2.4 The Manager must make an initial assessment of the complaint at an early stage to determine whether it should be escalated to a formal complaint. Things to consider in making this determination are:
- (a) The seriousness of the issues raised;
 - (b) The complexity of the complaint;
 - (c) Any need for urgent action, for example where there are health or safety concerns for any person;
 - (d) Whether the complaint raises systemic issues, and the impact on the person and broader community;
 - (e) The potential for the complaint to escalate;
 - (f) Whether the complaint is about a staff member/s, and needs to be handled by an independent, impartial person;
 - (g) Whether the complaint involves other agencies; and/or
 - (h) Whether the complaint is subject to special statutory requirements e.g. a protected disclosure under the Protected Disclosure Act 2012.
- 5.2.5 As part of the assessment, Managers may need to speak to the complainant to clarify the details of the complaint and the outcome sought. All informal complaints (both verbal and written) are to be recorded through an *Informal Complaint Report*.
- 5.2.6 At any stage of the complaints procedure, the complainant and the respondent are allowed to be accompanied and supported by a third party. If either the complainant or respondent are under 18, a parent, guardian or support person must be present.
- 5.2.7 The Manager handling the informal complaint must:
- (a) follow the Institute’s guiding principles, and ensure both respondent and complainant have the opportunity to give their version of events.
 - (b) make all reasonable efforts to resolve the issue, including notifying all relevant parties of the informal complaint. Where relevant the Manager Koorie Department or International Students Unit will be informed.
 - (c) if requested by either the complainant or respondent, and/or where appropriate, arrange with SSS for an independent mediator and make the necessary arrangements for a mediation session/s to be held.
- 5.2.8 Any actions or follow up required at the informal stage is managed by the relevant departmental Manager.

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- 5.2.9 If the informal complaint is resolved, the relevant Manager will forward all documentation, including completed *Informal Complaint Report* detailing outcomes, timeframes, causes and prevention strategy to mitigate/eliminate a repeat of the issue to the Compliance & Risk Unit for inclusion in the Institute *complaints and appeals register*, and the relevant General Manager for information.
- 5.2.10 All General Managers reserve the right to elevate an informal complaint to a formal complaint where deemed necessary.
- 5.2.11 Informal complaints must be resolved within 28 days of the complaint being received, if this is not the case, the Manager must contact the complainant prior to this time and explain why.
- 5.2.12 If the informal complaint is not resolved to the satisfaction of the complainant, the complainant may lodge a formal complaint at any stage.

5.3 Formal Complaint - Investigation

- 5.3.1 Formal complaints must be made in writing, preferably on the *Formal Complaint Form*, outlining complaint details, action in the matter to date, respondent details, and desired outcome.
- 5.3.2 The staff member receiving the formal complaint must forward it to the Compliance & Risk Unit on the same business day (or next business day if received after 5pm) for registration on the *complaints and appeals register*.
- 5.3.3 The Compliance & Risk Unit will provide written acknowledgement (including via email) of receipt to both complainant and respondent within one (1) working day outlining the following:
- (a) Timelines and guidelines, especially if more than 60 calendar days will be required to process and finalise the matter;
 - (b) Who is handling the complaint and how to contact them;
 - (c) Anticipated date of next correspondence;
 - (d) Availability of mediation assistance from SSS;
 - (e) Clarification that complaints process has no bearing on student results (as relevant); and
 - (f) Clarification of confidentiality and storage of complaints information in the secure *complaints and appeals register*.

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- 5.3.4 The Compliance & Risk Unit will forward the complaint to relevant General Manager for information.
- 5.3.5 The Compliance & Risk Unit will appoint an investigation officer/s (including a responsible officer) the from the pool of trained Institute staff within five (5) working days of the complaint being lodged. The appointed officer/s must declare any Conflict of Interest before commencing investigations as per the Conflict of Interest policy.
- 5.3.6 The investigating officer/s will commence investigations immediately, and (in consultation with relevant General Manager) shall determine a process for resolving the complaint which should include:
- (a) Establishing what has happened and what information needs to be gathered from parties involved and other relevant sources;
 - (b) Obtain the facts about the issue; and
 - (c) Analyse the information gathered and formulate options to resolve the complaint.
- 5.3.7 During the investigation, the complainant and respondent may be accompanied by a support person who is not a legal representative, but may be an Institute staff member, another student, a union representative or family member. The support person can provide advice and support, but is not to provide advocacy on the complainant's behalf. If any parties are under 18, a parent, guardian or support person must be present.
- 5.3.8 Where a complainant requests an interpreter service, it will be available.
- 5.3.9 The investigating officer/s will conduct an investigation and make an objective and fair decision on the weight of the evidence available and make recommendations based on their findings.
- 5.3.10 The responsible officer will complete the *Investigation Report* within fifteen (15) working days of beginning the investigation, and forward the report and associated recommendations to the relevant General Manager with a copy to the Compliance & Risk Unit.
- 5.3.11 The *Investigation Report* must include details of how the matter was dealt with, outcomes, timeframes, causes and prevention strategy to mitigate/eliminate a repeat of the issue.

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5.3.12 In the event that any time frames cannot be met by the Institute, especially if more than 60 calendar days will be required to process and finalise the matter, the Compliance & Risk Unit will notify all parties in writing and record in the Complaints Registry.

5.3.13 The relevant General Manager must endorse or revise the recommendations. Once the recommendations are finalised:

- (a) The investigation report is included in the *complaints and appeals register*;
- (b) The complainant and respondent will be advised of the recommendations and/or outcomes in writing by the relevant General Manager within three (3) working days and will include advice about how to appeal the decision.

5.4 Appeals

5.4.1 If a complainant is still aggrieved or not satisfied with the outcome, resolution or assessment of the initial investigation process, they may apply to have the matter considered for review. This application must be made within twenty-one (21) working days after the complainant has been notified of the original decision. The application may be made in writing or by completing the *Appeal Request Form*, and should be addressed to the General Manager responsible for the original decision.

5.5 Internal review process

5.5.1 The appellant may seek support from Student Support Services staff for help with preparing and presenting their *Appeal Request Form*.

5.5.2 The Compliance & Risk Unit will provide written acknowledgement (including via email) of receipt to the appellant within one (1) working day outlining the following:

- (a) Timelines and guidelines, especially if more than 60 calendar days will be required to process and finalise the matter
- (b) Anticipated date of next correspondence
- (c) Availability of mediation assistance from SSS
- (d) Clarification that appeals process has no bearing on student results
- (e) Clarification of confidentiality and storage of appeals information in the secure *complaints and appeals register*.

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- 5.5.3 The Compliance & Risk Unit will notify the CEO and relevant General Manager of the appeal, and will convene an Independent Internal Review Panel (the panel) within five (5) working days of receipt of the request.
- 5.5.4 The membership of the review panel will be made up of staff not involved in the initial complaint investigation, and ensuring that:
- (a) Where the appellant is an International student, a staff member of the International Student Unit will be appointed to the panel;
 - (b) Where the appellant is a Koorie student, a staff member of the Koorie Department will be appointed to the panel;
 - (c) There shall be at least one Manager or General Manager appointed to the panel; and
 - (d) There shall be a minimum of two and a maximum of four members of the panel, of which a minimum of two must be impartial trained investigative officers from within the Institute.
- 5.5.5 The review panel will determine, subject to the Institute’s guiding principles, its own processes for investigating the appeal. The appellant will be given the opportunity to present a case orally and/or in writing.
- 5.5.6 During meetings with the review panel, the appellant may be accompanied by a support person who is not a legal representative, but may be an Institute staff member, another student, a union representative or family member. The support person can take notes, and provide advice and support, but is not to provide advocacy on appellant’s behalf.
- 5.5.7 Where the appellant requires an interpreter, an interpreter will be provided.
- 5.5.8 The panel will complete the *Investigation Report* within fifteen (15) working days of beginning the investigation, and forward the report and associated recommendations to the CEO with a copy to the Compliance & Risk Unit.
- 5.5.9 The CEO will issue written advice to the appellant explaining the decision within three (3) working days and will further advise of the right to access the external appeals process if a party is dissatisfied with the outcome of the appeal – refer 5.6. A copy of the decision will be forwarded to the relevant General Manager and the Compliance & Risk Unit for inclusion in the *complaints and appeals register*.
- 5.5.10 The General Manager is responsible for ensuring any decision or recommendation resulting from the internal appeals process is implemented by relevant staff.

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5.6 External Independent Review and Appeals Process

- 5.6.1 The Institute must advise the appellant of their right to access an external complaints handling and appeals process at minimal or no cost, and should be included in the written response to the appellant.
- 5.6.2 The appellant must be provided with the appropriate external complaints handling and appeals body name and contact details, and be made aware that in most cases, the purpose of the external appeals process is to consider whether the Institute has followed its policies and procedures, rather than make a decision in place of the Institute.
- 5.6.3 A student may appeal to the Administrative Appeals Tribunal (AAT) where the Institute has refused to re-credit a student's VET Student Loans balance under the Refund of Course Fees Policy.
- 5.6.4 Any person may appeal to Ombudsman Victoria (OV) if they are dissatisfied with a decision of the Institute. Please note however that OV will require that all internal avenues of resolution, including review and appeal are exhausted before undertaking a review of a decision of the Institute.
- 5.6.5 If the external review recommends that the decision be amended or cancelled, or that another decision be made, the Institute must:
- a) give consideration to that recommendation; and
 - b) notify the appellant of the outcome of its consideration and the reasons for it.

6 Associated Documents

- Appeal Application Form
- Complaints and Appeals Policy
- Complaints and Appeals Register
- Formal Complaint Form
- Informal Complaint Report
- Information Privacy Policy
- International Student Deferral Suspension or Cancellation of Enrolment Policy
- International Student Transfer Policy
- International Student Course Transfer Procedure
- Investigation Report
- Management of Personal Student Information Procedure
- Staff Code of Conduct Policy
- Student Code of Conduct Policy

7 References

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- Education Services for Overseas Students Act 2000 (ESOS Act)
- Higher Education Support Act 2003
- Privacy and Data Protection Act 2014
- Ombudsman Victoria’s Complaints: Good Practice Guide for Public Sector Agencies September 2016
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Protected Disclosure Act 2012
- Public Records Act 1973
- Standards for Registered Training Organisations (RTOs) 2015
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) – Standard 10 Fact Sheet.
- VET Student Loans Act 2016

8 Forms / Record Keeping

All records generated by this procedure should be listed and must state title, location, responsible officer and minimum retention period.			
Title	Location	Responsible Officer	Minimum Retention Period
Student Complaint Records (excluded of expelled)	CRU	Manager Compliance & Risk	15 years after final decision
Student Complaint Records (penalised or sanctioned including suspension)	CRU	Manager Compliance & Risk	7 years after final decision
Student Complaint Records (not proven)	CRU	Manager Compliance & Risk	2 years after final decision
Community Complaint Records (which result in changes to agency or government policy or procedures)	CRU	Manager Compliance & Risk	Permanent (Retain as state archives)
Community Complaint Records (which require a detailed response on agency actions, policy or procedures)	CRU	Manager Compliance & Risk	5 years after administrative use has concluded
Community Complaint Records (which require routine responses on agency actions, policy or procedures)	CRU	Manager Compliance & Risk	2 years after administrative use has concluded

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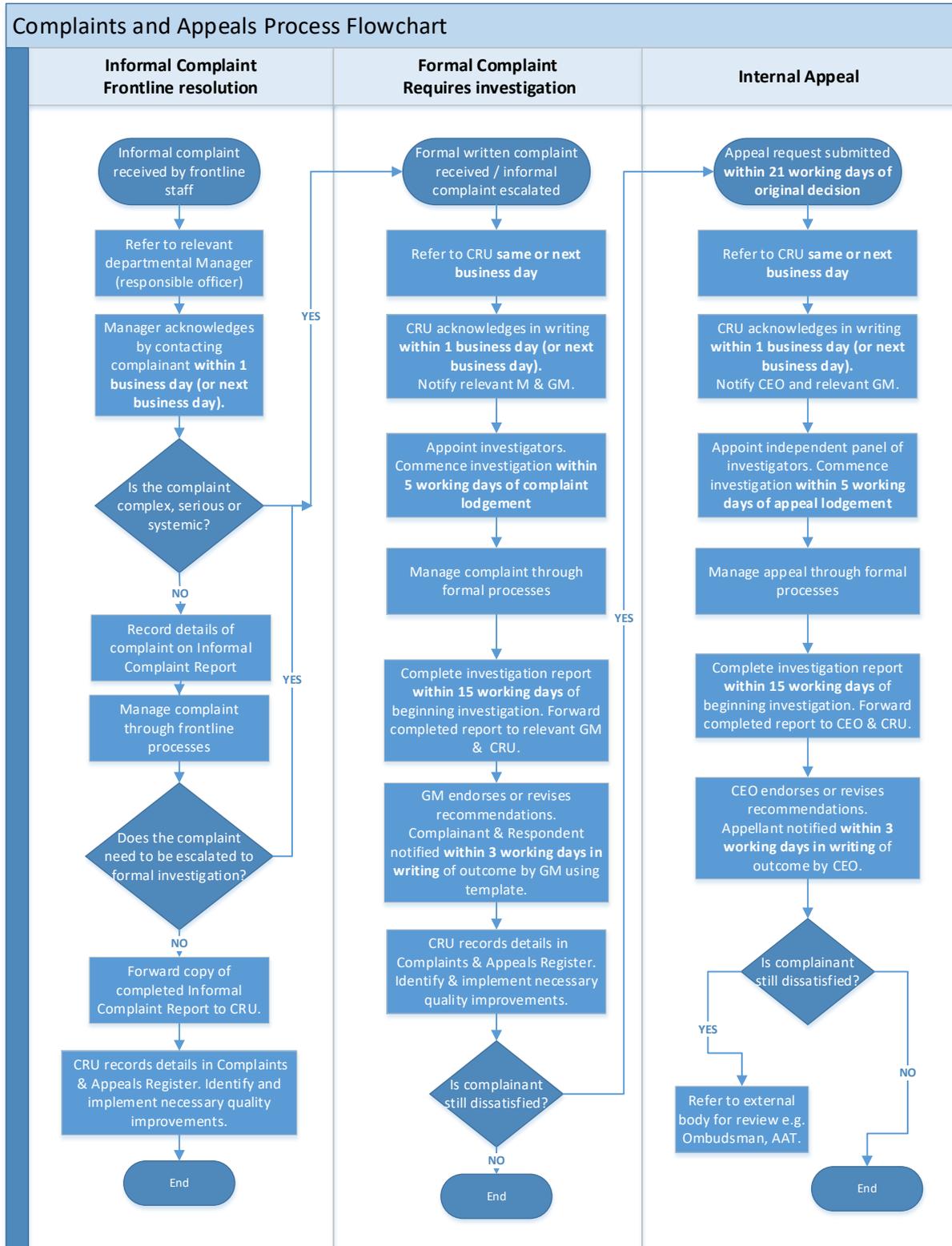
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9 Appendix 1 – Complaints and Appeals Process Flowchart



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