

Grievance, Complaints and Appeals Policy and Procedure



Grievances, Complaints and Appeals - Policy and Procedure

References

Standards for RTO's 2015 Standard, Clauses 6
Student Handbook Terms and Conditions
Privacy Policy and Notice
Withdrawal Policy
Refund Policy
VET Guidelines

Purpose

This policy and procedure provides clear and practical guidelines to ensure that grievances, complaints and appeals received about the RTO, about and from students, trainers, staff and/or third parties can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

Scope

This complaints and appeals policy and procedure will manage allegations involving the conduct of:

- Foundation Education, its trainers, assessors and other staff
- a student of Foundation Education
- stakeholders and others
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff (where this may be relevant to its operations)

Definitions

Appeal - is where a student or staff member or stakeholder of Foundation Education or another interested party disputes a decision arising from a complaint, an assessment decision, or another **decision made by the RTO**.

Complaint - is any expression of dissatisfaction with an action or service of the Registered Training Organisation.

Grievance - an official statement of a complaint over something believed to be wrong or unfair.

Mediation - intervention in a dispute in order to resolve it; arbitration.

Natural Justice - principles, procedures, or treatment felt instinctively to be morally right and fair.

Person – is the 'someone' making the complaint (complainant or appellant) and can be an individual, a group or an entity/organisation.

Third Party – A party who is involved in a business agreement and plays a minor role in achieving organisational objectives.

Policy

Foundation Education believes that a **person**, who has a grievance, complaint or appeal, has the right to raise the grievance, complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, and without prejudice or fear of reprisal or victimisation.

Grievance, Complaints and Appeals can arise from matters of concern relating to:

- training delivery and assessment
- the quality of the training
- student support
- materials
- discrimination
- harassment
- other

The **person** has the right to present the grievance verbally or in writing. A complaint or appeal needs to be presented formally and in writing, making use of the complaints form.

Foundation Education will manage all grievance, complaints and appeals fairly, equitably and as efficiently as possible. Foundation Education will encourage the parties to approach the grievance, complaint or appeal with an open mind, and to resolve problems through discussion and conciliation.

Foundation Education seeks to prevent complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and with its public image. If a complaint should arise from a decision made on a grievance, all staff are expected to be fair, courteous and helpful in all dealings with the **person** making the grievance, complaint or lodging the appeal, and to assist or refer where they can. Where a complaint or appeal cannot be resolved through discussion and conciliation, Foundation Education acknowledges the need for an appropriate external and independent **person**/party to mediate. The parties involved will be given the opportunity to formally present their case in an independent forum. Mediation costs will be shared equally by the **person** making the complaint and Foundation Education. Requests for mediation assistance are to be made in writing addressed to the RTO Chief Academic Officer or Delegated Authority either by email student.resolutions@foundationeducation.edu.au or surface mail to 54-58 Brookes Street, Bowen Hills QLD 4006.

Confidentiality will be maintained throughout the process of making and resolving complaints/appeals. Foundation Education seeks to protect the rights and privacy of all involved, and to facilitate the return to a comfortable and productive learning environment.

Natural Justice - is concerned with ensuring procedural fairness. It involves:

- Decisions and processes free from bias
- All parties having the right to be heard
- All parties having a right to know how and of what, they are involved/accused
- Investigating a matter appropriately before a decision is made
- All parties being told the decision and the reasons for the decision

Procedure

Should a **person** have a grievance, complaint or appeal, the following steps are to be followed:

Grievance

1. Academic grievances are to be raised to relevant faculty, on 1300 138 434 and follow the prompts to the Education Team.
2. Non-academic grievances relating to third parties, service issues, financial and any other non-academic issues are to be raised to the Student Services Department, on 1300 138 434 and follow the prompts to the Student Services Team.
3. Discuss the issue directly with those involved and try to and resolve it informally.
4. If no resolution is reached using the informal means, your request is to be put in writing and sent via e-mail directly to your relevant faculty or the Student Services Department who will consider your grievance and will revert back to you;
 - a. Contact details for Faculty and Student Services:
 - i. Student.Services@foundationeducation.edu.au
 - ii. Dental.support@foundationeducation.edu.au
 - iii. Health.support@foundationeducation.edu.au
 - iv. Business.support@foundationeducation.edu.au
 - v. Childcare.support@foundationeducation.edu.au
 - b. For all Third Parties with a current agreement in place with Foundation Education to contact the relevant Schools Consultant and/or email the following:
 - i. School Representatives to contact:
programsFE@foundationeducation.edu.au
 - c. For all Traineeship related grievances are to be raised to:
 - i. Trainees@foundationeducation.edu.au
5. If this resolves the situation the outcomes will be put in writing. A copy of the outcome will be placed on your student file by the appropriate Faculty or Student Services representative and securely stored.

Complaint

6. If there is still no resolution the **person** should provide a formal **written notification** of the complaint to the Student Resolutions Team at student.resolutions@foundationeducation.edu.au. This **written notification** can be made using the Complaints and Appeals form, by email or by letter and must include:
 - A description of the complaint
 - A statement about whether the **person** wishes to formally present their case
 - Information about any prior steps taken to deal with the initial grievance
 - State the preferred outcome of the complaint

- Access the Complaints and Appeals form in Appendix 1 of this policy.
7. A written acknowledgement of receipt of the complaint will be forwarded to the student within 48 hours (2) working days.
 8. Within two (2) working days from receipt of written notification the Student Resolutions Team will commence an unbiased investigation into the matter. A response/resolution will be presented to the **person** within 20 working days
 9. The Student Resolutions Team will:
 - Undertake a preliminary enquiry to determine nature of the complaint
 - Inform other relevant parties (if necessary)
 - Provide all parties an opportunity to present their case (with a support **person** and/or parent/guardian if a student is under 18 years of age)
 - Discuss with the parties any resolution and any arrangements required by the RTO
 - Record the outcome of discussion securely and confidentially within the RTO's Student Management System
 - Provide the outcome of the in writing to the **person** (and other parties if relevant) within twenty (20) working days.
 - All parties involved will receive a written statement of the outcome/s including reason/s for the decision within the twenty (20) working day period. If the process is taking longer than 60 days from the **written notification** being received, the **person** will be notified in writing of the reason for the delay and kept informed of all progress.

Appeal

10. Should the issue still not be resolved to the **person's** satisfaction and wishes to appeal the decision, will be sent to the RTO Operations Manager for further review and response.

The RTO Operations Manager will:

- Review the findings of the Student Resolutions Team to determine nature of the appeal
- Inform other relevant parties (if necessary)
- Provide all parties an opportunity to present their case (with a support **person** and/or parent/guardian if a student is under 18 years of age)
- Discuss with the parties any resolution and any arrangements required by the RTO
- Record the outcome of discussion securely and confidentially within the RTO's Student Management System
- Provide the outcome of the in writing to the **person** (and other parties if relevant) within twenty (20) working days.

- All parties involved will receive a written statement of the outcome/s including reason/s for the decision within the twenty (20) working day period. If the process is taking longer than 60 days from the **written notification** being received, the **person** will be notified in writing of the reason for the delay and kept informed of all progress.

Mediation

11. Should the internal appeal not be satisfactory, a written request is to be sent to the Chief Executive Officer for Foundation Education to make arrangements for mediation through an independent party to resolve the issue. The **person** will be given the opportunity to formally present their case. The cost of this process will be shared between the parties. The time frame for this process may vary depending on information provided and the context of the situation but should take no longer than 20 working days.
 - a. The independent party has the power to affirm, vary or set aside the decision taken by Foundation Education.
 - b. A request for review by the independent party needs to be received within 28 days of receipt of the outcome from the Foundation Education.
12. All parties involved will receive a written statement of the outcomes, including reasons for the decision within a reasonable time frame as indicated by the mediator.

Tribunal and Ombudsman

If the **person** is dissatisfied with the decision made in the appeal from the internal independent process and all internal mechanisms have been exhausted, the next step is for the **person** to engage in communication with the relevant Civil and Administrative Tribunal or Ombudsman or as appropriate per state:

Civil or Administrative Tribunal

- QLD – QCAT - <https://www.qcat.qld.gov.au/>
- NSW – NCAT - <https://www.ncat.nsw.gov.au/>
- ACT – ACAT - <https://www.acat.act.gov.au/>
- SA – SACAT - <http://www.sacat.sa.gov.au/>
- VIC – VCAT - <https://www.vcat.vic.gov.au/>
- WA – SAT - <https://www.sat.justice.wa.gov.au/>
- NT – NTCAT - <https://ntcat.nt.gov.au/#>
- TAS - <https://www.justice.tas.gov.au> Tasmania is the only state in Australia that does not have a Civil and Administrative Tribunal

Ombudsman

- QLD – <https://trainingombudsman.qld.gov.au/>
- NSW – <https://www.ombo.nsw.gov.au/>
- ACT – www.ombudsman.act.gov.au
- SA – <https://www.ombudsman.sa.gov.au/>
- VIC – <https://www.ombudsman.vic.gov.au/>
- WA – <http://www.ombudsman.wa.gov.au/>

- NT – <http://www.ombudsman.nt.gov.au/>
 - TAS – <https://www.ombudsman.tas.gov.au/>
13. From any substantiated grievances, complaints and appeals, the causes will be reviewed as part of the RTO's continuous improvement processes, and appropriate corrective action will be taken to prevent or reduce the likelihood of reoccurrence. Actions will be recorded on the Continuous Quality Improvement Register.
 14. Any grievance, complaint or appeal that is related to illegal or fraudulent activity will be immediately referred to the appropriate authority.
 15. All documentation relating to grievances, complaints or appeals will be stored securely and confidentially on our internal student management system.
 16. Foundation Educations RTO Operations Manager will be personally responsible for the implementation and maintenance of this Policy.

A copy of this Policy is available to the public, all stakeholders, students and staff via the Foundation Education website and is also available in the Student Handbook. Information and contact details of external authorities who may be approached is included.

Version History and Document Control

Date of effect of original version:	23-05-2017
Current revision:	8.1
Date of effect of current revision:	13-10-2020
Latest review of current revision:	13-10-2020
Standards:	Clauses 6
Responsible Officer:	Quality & Compliance Manager
Authorising Body:	Quality & Compliance Department
Approved By:	RTO CEO
Privilege level (Policy & Procedure):	Organisational
Privilege level (Policy):	Public

Appendix 1

Complaints and Appeals Form

For the purpose of lodging a formal complaint or appeal, complete this form and return it to student.resolutions@foundationeducation.edu.au or post to Foundation Education, 54-58 Brookes Street, Bowen Hills, QLD 4006. To download the form, click [here](#).

Your Details	
Date:	
Your Name:	
Contact Details:	Phone: _____ Address: _____ Email Address: _____
Indicate which of the following applies to you: <input type="checkbox"/> Prospective student <input type="checkbox"/> Current student <input type="checkbox"/> Past student <input type="checkbox"/> Workplace or Employer <input type="checkbox"/> Partner Organisation <input type="checkbox"/> Other _____	
Indicate if you are lodging a complaint, appeal, or an assessment appeal. <input type="checkbox"/> Complaint <input type="checkbox"/> Appeal (unrelated to assessment items) <input type="checkbox"/> Assessment Appeal	
Confirm the policy, or terms and conditions which you believe have been breached or were not appropriately followed at the informal stage. <input type="checkbox"/> Policy: _____ <input type="checkbox"/> Terms and Conditions: _____	
1. Do you have any new evidence or information which has not already been considered at the informal stage? If yes, continue with this form. If no, then the original decision is likely to stand. <input type="checkbox"/> Yes <input type="checkbox"/> No	

- 2. Outline the reasons for your formal complaint or appeal in as much detail as possible. A timeline of events and supportive evidence is required (You may attach additional pages and supporting information or evidence as needed).**

For complaints and appeals not related to assessment, complete the following.

- 3. What is the preferred outcome of your complaint or appeal?**

- 4. Are there particular staff members who may need be involved in the investigation of this complaint or appeal? If so, why?**

For assessment appeals, please complete the following.

5. Which unit and/or task is this appeal in relation to?

I declare that the information contained within this formal complaint or appeal is true and correct. I understand that all claims and evidence that I supply for consideration will be verified in the decision making process.

Signed:		Date:	/ /
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Printed name:	
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(For Office use only)

Course Cost:		Completed Units of Competency:	
Amount Paid:		Student last Access to the LMS:	

(For Office use only) Please sign and date once all information has been provided

Signed:		Date:	/ /
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Printed name:	
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