

## Definitions

**Complaint** is any formal expression of dissatisfaction, whether written or oral, submitted to TIV about their policies, services or decisions.

**Appeal** means to call into question a formal decision or action instigated by a staff member of TIV.

## Purpose

- 1 This procedure defines the system available to students for dealing with student complaints against the Institute concerning the conduct of the Institute (its Trainers, Assessors or Other Staff, a Third Party Providing Services to TIV, a Student) and appeals against the decisions made by the Institute. Appeals can also relate to a review of decisions including assessment decisions or a third party providing services to TIV.
- 2 We will deal with any student complaints against the Institute and appeals against our decisions in a fair, effective, consistent and timely manner. It means that we will ensure the principle of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process. The student must exhaust these complaints and appeals process prior to going to the Australian Skills Quality Authority or external bodies.
- 3 TIV is committed to providing students with high quality education. Students are entitled to, and should expect, a high standard of learning and assessment and support services from TIV.
- 4 However, from time to time, students may have concerns or complaints about matters or issues relating to their experience at TIV. TIV views student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction. All substantiated complaints will be reviewed as part of the Institute's Continuous Improvement/Quality Assurance procedure. TIV will also ensure that the Complaints and Appeals Policy and Procedure are publicly available e.g. thru the TIV website [www.techinstitute.vic.edu.au](http://www.techinstitute.vic.edu.au).

## Responsibility

- 5 The CEO/RTO Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

## Requirements

- 6 Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- 7 The procedure will be implemented without cost to the student.
- 8 The procedure will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- 9 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 10 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 11 Students will be provided with details of external authorities they may approach, if required
- 12 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 13 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- 14 For internal complaints and appeals:
  - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
  - The student may be accompanied and assisted by a support person at any relevant meetings.
  - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 15 If the appeal is against TIV's decision to report the student for unsatisfactory course progress and attendance, TIV will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external process is complete and has supported TIV's decision to report.
- 16 If the appeal is against TIV's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, TIV will await the outcome of the internal appeals process.

- 17 Extenuating circumstances' relating to the welfare of the student will be supported by appropriate evidence and may include, but are not limited to the student:
  - having medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
  - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
  - being at risk of committing a criminal offence
- 18 The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- 19 Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute. If a student wishes to lodge an external appeal against a decision made by TIV, they can contact the National Training Complaints Hotline 133873 or email [skilling@education.gov.au](mailto:skilling@education.gov.au). The Institute will pay the costs of mediation.
- 20 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the TIV Management meeting as part of the continuous improvement /quality assurance process.
- 21 Students will be informed of decisions that support the student together with the outcome of the continuous improvement process including corrective and preventative actions implemented by the Institute.
- 22 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:-
  - Contact a solicitor; or-
  - Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, telephone 9607 9311 / 9602 5000 for a referral to a solicitor.

## **Informal Complaint Process**

- 23 Any student with a question or complaint may raise the matter with staff of TIV to attempt an informal resolution of the question or complaint.
- 24 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff member involved determines that the issue question or complaint was relevant to the wider operation of the Institute.

- 25 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

## Formal Complaint Process

- 26 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so by completing the complaint and appeals form (form 064) obtainable through Institute Reception or can be downloaded from the Institute website <http://techinstitute.vic.edu.au/index.php/student-life/forms>.
- 27 Student to complete the form and submit to Domestic/VTG Department or to the Institute Reception. A photocopy will be provided to you to evidence that the Institute has formally received your complaints or appeal.
- 28 The resolution phase must commence within 10 working days of the complaint being lodged in writing.
- 29 A staff member of TIV shall arrange a meeting with you and the Domestic / VTG Manager. At this meeting the complaint can be raised and a resolution attempted.
- 30 At the complaint meeting the complaint is recorded in writing by completing the student complaint and appeals form (Form 064), prepared either prior to the meeting or a new document can be prepared and signed during the meeting.
- 31 The Domestic/VTG Manager will then attempt to resolve the complaint with the student and any other parties who may be involved.
- 32 A maximum time of 60 calendar days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase. Where TIV considers more than 60 calendar days are required to process and finalise the complaint or appeal, TIV:
- informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
  - regularly updates the complainant or appellant on the progress of the matter.
- 33 At the end of the resolution phase the Domestic/VTG Manager will report the Institute decision to the student. The Institute decision and reasons for the decision will be documented by the Domestic/VTG Manager and placed in the students file. A copy of this document will be provided to the student.
- 34 Following the resolution phase the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint

- 35 If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the complaint and appeals form (Form 064).

## Internal Appeal Process

- 36 Internal appeals may result from a number of sources including assessment and discipline actions. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the Institute.
- 37 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 38 The appeals process is initiated by a student completing the complaint and appeals form (form 064) obtainable through Institute Reception or can be downloaded from the Institute website <http://techinstitute.vic.edu.au/index.php/student-life/forms>.
- 39 Student to complete the form and submit to Domestic/VTG Department or to the Institute Reception. A photocopy will be provided to the Student to evidence that the Institute has formally received the appeal. .
- 40 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 41 A maximum time of 60 calendar days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 42 After a student makes an internal appeal, TIV will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint.
- 43 Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by TIV and the costs of reassessment will met by the Institute. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 44 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student file. A copy of this document will be provided to the student.
- 45 Following the internal appeals phase the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.

- 46 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available.

## **External appeal process**

- 47 The purpose of the external appeals process is to consider whether the Institute has followed its student complaint and appeals procedure, not to make a decision in place of the Institute. For example, if a student appeals against his or her unit results and goes through the Institute internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
- 48 For external appeals, student can contact the National Training Complaints Hotline 133873 or email [skilling@education.gov.au](mailto:skilling@education.gov.au). They provide service to student by referring them to the appropriate agency/authority/jurisdiction. The referred agency/ authority/jurisdiction will act as an independent mediator.
- 49 The external appeals procedure will be determined by the independent mediator.
- 50 Following the receipt of the outcome of the external appeal the Institute must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.
- 51 TIV will also document the complaints and appeals received from the students by including them in the Complaints and Appeals Register (Form 068).
- 52 TIV will securely maintains records of all complaints and appeals and their outcomes.