

Wyndham Community and Education Centre Inc Policy

Policy name	Complaints and Appeals Policy & Procedure
Responsible person	CEO, Chairperson
Staff involved	Training Services Manager, Business Services Manager, Community Strengthening Manager, Coordinators, Primary Nominee
Review dates	2012
Related documents	Complaint Record; Appeal Form; Complaint's Register; Access & Equity Policy; Conflict Resolution Policy; OH&S Policy and Procedure, Constitution, Information Privacy Act 2000, Children's Services Act 1996, Children's Services Regulations 2009

Purpose

This Complaints and Appeals Policy applies to all students, staff and volunteers of Wyndham Community and Education Centre Inc (WCEC). WCEC acknowledges that students, staff and volunteers of the centre who believe they have been adversely affected by its operations have a right to complain and have their complaint dealt with in a fair, accountable and transparent way in accordance with the principles of natural justice. WCEC is committed to responding promptly and efficiently to complaints and appeals and has developed and implemented a process for handling complaints efficiently.

Definitions

Complaints and Appeals include but are not restricted to matters of concern to students relating to training delivery and assessment; the quality of the training; student support and/or materials; discrimination; and, sexual harassment.

Natural Justice is concerned with ensuring procedural fairness such as:

- Decisions and processes free from bias;
- All parties having the right to be heard;
- The right of the respondent to know of what s/he is accused; and,
- All parties being informed of the decision and the reasons for the decision.

Complainant/s: The person or persons making the complaint.

Respondent/s: The person or persons about whom the complaint has been made.

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Principles

The following principles should be adhered to following a complaint:

- **Confidentiality** - Only those directly involved in handling the complaint or appeal should have access to information on the complaint;
- **Impartiality** - No decisions or judgments will be made until all information has been impartially considered by those responsible for handling the complaint;
- **Respect** - Those responsible for handling the complaint must be sensitive to the needs of those directly involved and to those who may be affected by the grievance; and,
- **Prompt Action** - All complaints must be dealt with promptly and a response to a complaint must be received within 7 days from the date the complaint is received.

Policy

WCEC ensures that all students and staff know about its process for handling complaints and appeals. WCEC creates an environment where views are valued and feedback actively sought.

All staff and students will be informed of complaints and appeals handling mechanisms and general feedback mechanisms at enrolment and/or induction. Staff and students are issued with a copy of the policy in either soft or hard copy. The policy can be accessed in several ways: via the website; from the student or staff CD; from the main office at 3 Princes Hwy; or from the Synnot Street training venue.

WCEC provides several ways for students and staff to provide feedback including [via](#) meetings; surveys; WCEC suggestion box; and course evaluations. A student or employee who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation. They have the right to present the complaint or appeal formally, as well as in writing.

Verbal complaints will be accepted where the Complainant makes it clear that they are making a formal complaint and not giving general feedback. WCEC recognises that critical comment and response are an important part of the collective endeavor to improve the quality of educational programs and community life, and such feedback would not normally be viewed as a complaint unless specific action was requested.

WCEC will manage all complaints and appeals as fairly, equitably and efficiently as possible. WCEC will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. WCEC will take action to deal with identified causes of complaints and will then monitor and improve systems and operations if and as required. Where a complaint or appeal cannot be resolved through discussion and/or conciliation, WCEC acknowledges the need for an

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appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.

Confidentiality will be maintained throughout the process of making and resolving complaints. WCEC seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning or work environment as soon as possible.

The Board of Management is also guided by the grievance processes outlined in the Constitution of the Wyndham Community and Education Centre Inc.

Rights and Responsibilities

All staff and students at WCEC have a responsibility to contribute to the achievement of a productive, safe and equitable study and work environment.

- Complainants have the right to have complaints and appeals resolved promptly, to have their privacy respected and to be kept informed of the progress of the complaint;
- Complainants are entitled to be represented at all stages by an advocate of their choice;
- All parties should participate in the complaint resolution process in good faith and cooperate fully in any investigation process;
- Complainants should avoid complaining about the same matter to several different individuals at the same time which may affect the quality of the process;
- Complainants should avoid making complaints or counter-complaints with a mischievous or malicious intent;
- Serious allegations will be addressed within 24 hours, and if a serious complaint involves a committee member/staff member, that committee member/staff member will not have contact with the complainant involved; and,
- If criminal conduct has been alleged, the matter will be referred to the Police.

Records

In general it is expected that complaints will be made to the CEO, a Manager or a Coordinator or directly to the Board of Management. All complaints and any subsequent actions taken or appeals made, must be recorded on a *Complaint Action Record* form. All documentation relating to complaints will be kept strictly confidential and will not be accessible to anyone who is not directly involved in handling the complaint. Records will be kept in the *Complaint Register* located in the CEO's office at 3 Princes Hwy, Werribee, 3030.

Outcomes

Participants will receive advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and

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outcomes will be applied consistently across the organisation. Some of the possible outcomes of a complaint could include (but are not limited to):

- increased understanding of the situation is reached so that concerns are addressed;
- improvement to WCEC operational practices and/or systems;
- mutually acceptable resolution is reached through conciliation or mediation;
- an apology is received, and/or the issue or behavior that was the basis of the complaint is modified;
- Where the respondent is a staff member, formal disciplinary action may be taken in line with the appropriate industrial instrument; and,
- In some cases, where the complaint cannot be substantiated, no further action will result.

The CEO will keep the Chairperson of the Board of Management informed throughout the process as required. In the event that the complaint involves the Chairperson, another executive member will be informed.

This policy must be implemented in conjunction with the Procedure(s) and Forms that follow.

Procedure for handling complaints and appeals by Students

If a student has a complaint or appeal, the following steps are to be followed:

1. The complainant should discuss the issue / complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached, the student should discuss the issue / complaint with his / her trainer to see if it can be resolved.
3. If following step 2 there is no resolution, the student can choose to complete a complaint (or appeal) form in writing.
4. The student should bring the complaint or appeal to the attention of the trainer or training manager within seven (7) days or as soon as possible after the issue has taken place.
5. If the complaint or appeal is not dealt with to the student's satisfaction within a seven (7) day period after being formally lodged, s/he may bring it to the attention of the Chief Executive Officer or the Board of Management. The CEO will either deal with the issue directly or arrange for it to be dealt with by someone from the management team. This process must commence within 48 hours from the time the CEO receives written notification from the student about their dissatisfaction to the response received from their trainer and a response / resolution must be presented within 7 days.
6. Should the issue still not be resolved to the student's satisfaction, Wyndham Community and Education Centre Inc. (WCEC) will make arrangements for an independent external person to resolve the issue. The student will be given the

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opportunity to formally present his or her case. The time frame for this process may vary but should not take no longer than 14 days.

7. If the student is still not happy with external mediation, he / she may take the complaint to the State Training Authority: the Complaints Unit of the Victorian Registration and Qualifications Authority (VRQA).
8. If a student is not satisfied with the outcome of their complaint and/or appeal, they can contact the **Victorian Registration and Qualifications Authority** in one of the following ways:

Email: vrqa.complaints@edumail.vic.gov.au

Tel: 96372806

Postal: GPO Box 2317, Melbourne Vic 3001

Or contact the **National Training Hotline on 13 38 73**

Email: nationalcomplaintshotline@dewr.gov.au

Procedure for handling Childcare complaints and appeals

Parents are encouraged to enquire about their child's day at the Centre and about matters of a general nature. Topics of a more sensitive or controversial nature should be discussed in private with the Primary Nominee.

If a parent has a complaint about the childcare service the following steps are to be followed:

1. The complainant should discuss the issue / complaint with the Group Leader to try and resolve the matter.
2. If no resolution is reached, the parent/guardian should discuss the issue / complaint with the Childcare Coordinator or the Primary Nominee to see if it can be resolved.
3. If following step 2 there is no resolution, the parent/guardian can choose to complete a complaint (or appeal) form in writing.
4. The complaint (or appeal) should be made in writing and directed to the Primary Nominee, Lesley Nallawalla or alternatively by contacting the Chief Executive Officer on 9742 4013.
5. The CEO will either deal with the issue directly or arrange for it to be dealt with by someone from the management team. This process must commence within 48 hours from the time the CEO receives written notification from the parent/guardian about their dissatisfaction to the response received from their trainer and a response / resolution must be presented within 7 days.
6. Should the issue still not be resolved to the parent/guardian's satisfaction, Wyndham Community and Education Centre Inc. (WCEC) will make arrangements for an independent external person to resolve the issue. The

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parent/guardian will be given the opportunity to formally present his or her case. The time frame for this process may vary but should take no longer than 14 days.

7. Parents/Guardians can also contact:
The Department of Human Services
71 Moreland Street
PO Box 224
Footscray Vic 3011

Tel: 9275 7036 and ask to speak to a children's Services Adviser.

Note: Reporting of behaviour of a child is not and should not be deemed a complaint. It should be documented and discussed between parents and appropriate staff.

Procedure for handling complaints and appeals by Staff

If a staff member or volunteer has a complaint or appeal, the following steps are to be followed:

1. The complainant should discuss the issue / complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached, the student should discuss the issue / complaint with his / her Coordinator or Manager to see if it can be resolved.
3. If following step 2 there is no resolution, the staff member can choose to complete a complaint (or appeal) form in writing.
4. The staff member or volunteer should bring the complaint (or appeal) to the attention of their Coordinator or Manager within seven (7) days or as soon as possible after the issue has taken place.
5. If the complaint (or appeal) is not dealt with to the employee or volunteer's satisfaction within the seven (7) day period after being formally lodged, it may be brought to the attention of the Chief Executive Officer or the Board of Management. The CEO will either deal with the issue directly or arrange for it to be dealt with by a member of the management team as appropriate. This process must commence within 48 hours from the time the CEO receives written notification from the staff member / volunteer about their dissatisfaction to the response received from their direct line supervisor. A response / resolution must be presented within 7 days.
6. Should the issue still not be satisfactorily resolved, Wyndham Community and Education Centre Inc. (WCEC) will make arrangements for an independent external person to mediate the issue. The employee or volunteer will be given the opportunity to formally present a case. The time frame for this process may vary but should take no longer than 14 days.

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COMPLAINT FORM

By filling in this form you will be lodging a formal complaint.

Wyndham Community and Education Centre Inc. (WCEC) deals with complaints in accordance with the requirements of the Information Privacy Act 2000 and treats all complaints as confidential.

We thank you for taking the time to notify us of your concern. We value your feedback and hope to be able to resolve your complaint as soon as possible.

A reply will be forwarded to you within 7 days.

Date: _____ Verbal Written Other _____

Name: _____

Received by: _____

Please detail your concern in full, giving as much detail as possible, include extra pages if necessary.

Signature: _____

WE WILL BE IN CONTACT WITHIN 7 DAYS

THANK YOU

(This document forms part of the Complaints and Appeals Policy & Procedure)

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COMPLAINT ACTION RECORD

Received by: _____ Complaint Number Issued: _____

Date: _____ Given to: _____

Date response issued: _____ Follow up date: _____

Supporting documentation (Please attach): Yes No

Action Taken:

Outcome:

Specify improvement possible based on complaint:

Comments / further follow up:

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APPEAL FORM

By filing in this form you are requesting to appeal a judgment made against you.

This form serves to begin the appeal process in relation to a judgment that has been made against you. This Form must be lodged to the CEO within 7 days of you receiving a judgment.

A written response will be issued to you within 7 days.

Date: _____ Name: _____

Contact Number(s): _____

Please state in full, your reason for an appeal:

Signature: _____

WE WILL BE IN CONTACT WITHIN 7 DAYS, THANK YOU



OFFICE USE ONLY

Received by: _____ Appeal Number Issued: _____

Date: _____ Given to: _____

Action Taken: _____

Date issued: _____ Follow up date: _____

Specify improvement possible based on complaint: _____

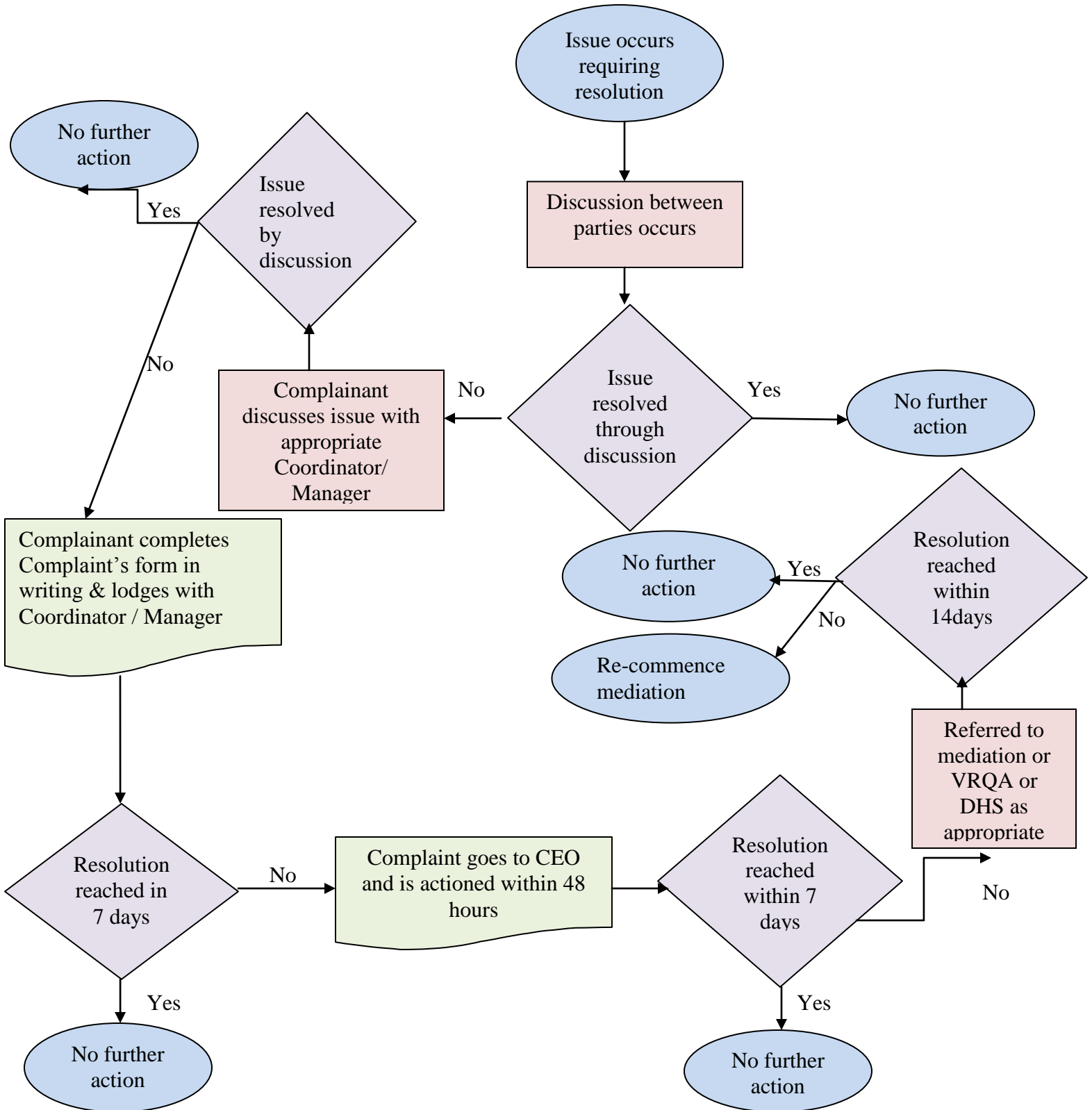
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Key: start or finish activity with documents activity decision

Process for dealing with Complaints



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