

COMPLAINTS AND APPEALS POLICY

1 Policy Statement

Carlton Neighbourhood Learning Centre (CNLC) fosters a productive and harmonious working environment where concerns, complaints or grievances are managed promptly, impartially and justly.

CNLC is committed to ensuring that our Members of the Committee of Governance (CoG), staff, volunteers, students, program participants, CNLC users and contractors have access to a fair, constructive, timely and equitable process for dealing with complaints and appeals.

CNLC encourages anyone with a complaint or appeal to resolve any issues or concerns that they may have at the earliest opportunity.

It is the object of this policy to ensure that complaints and appeals are resolved promptly and efficiently by negotiation and discussion between the parties involved in the dispute.

This policy supports Australian Quality Training Framework (AQTF) Standards in providing a process for student complaints and appeals to be heard and actioned.

The preferred process involves Members of the Committee of Governance (CoG), staff, volunteers, students, program participants, CNLC users and contractors being able to resolve issues internally in a manner satisfactory to all parties.

2 Responsible Persons

This policy applies to the entire organisation

Who	What
Committee of Governance (COG)	Approval of reviewed or new Policies. In relation to issues concerning the EO, OR matters that cannot be resolved internally, OR are of serious nature OR requiring external mandatory reporting to a government department or authority.
Delegated CoG members	Review delegated Policies.
Executive Officer	Maintain Policy Register, Ensure implementation of policy Responsible for all internal matters in relation to day to day management.
Members of the Committee of Governance, staff, Volunteers, Students, Program Participants, Contractors and all Centre Users	To ensure that they attempt to resolve any issues through internal processes at the earliest opportunity.

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3 Guiding Principles

CNLC encourages an environment whereby different views are valued and feedback is actively sought from community members and staff.

Members of the Committee of Governance (CoG), staff, volunteers, students, program participants, CNLC users and contractors are informed of the complaints and appeals policy and mechanisms at the time of enrolment or induction.

In the instance where a complaint or dispute does arise, CNLC accepts responsibility to provide members of the Committee of Governance, staff, volunteers, students, program participants, CNLC users and contractors with appropriate ways to review, investigate and resolve such complaints and disputes, with principles of natural justice being applied.

Anyone who has a complaint or appeal has the right to raise the complaint or appeal and expect that every effort will be made to address and resolve the issue. They have a right to present the complaint or appeal verbally, as well as in writing.

Verbal complaints will be accepted when the Complainant makes it clear that they are making a formal complaint and not giving general feedback. CNLC recognises that critical comment and response are an important part of the development of quality educational and community programs and such responses would not normally be viewed as a complaint unless specific action or redress was requested.

As far as possible, CNLC also commits to a positive outcome and minimising adverse impacts within the organisation. To achieve this:

- a) Concerns should be raised as early as possible
- b) Grievances will be treated seriously, expeditiously, sensitively and as close as possible to their source having due regard to procedural fairness, confidentiality and potential for victimisation
- c) The principles of procedural fairness will be applied, with members of the Committee of Governance, staff, volunteers, students, program participants, CNLC users and contractors having the right to be informed about any grievance that involves them, having the right to be heard by an unbiased decision maker, and having the right to have a witness present
- d) Each procedural step taken by all parties involved in the

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- complaints or appeals process must be recorded in writing to provide an accurate record and to ensure transparency
- e) The process for dealing with complaints or grievances will be at no cost to the complainant and will not affect their enrolment, participation or engagement with the organisation
 - f) All parties are required to participate in the grievance resolution process in good faith
 - g) Members of the Committee of Governance, staff, volunteers, students, program participants, CNLC users and contractors are not to instigate grievances that are frivolous or vexatious.

Grievances and information arising from the handling of any grievance will be treated confidentially, where the privacy of the parties involved will be protected.

CNLC may collect, collate and record information made about complaints and grievances in order to review and improve our services.

4 Key Definitions

- **Complaint:** any expression of dissatisfaction with an action, product or service of an education and training provider; or the organisation.
- **Grievance:** a complaint about any type of organisational problem that is causing distress. The grievance may arise from a decision, act or omission by any person or persons within CNLC, which is considered by the complainant to be wrong, mistaken, unjust or discriminatory.
- **Procedural fairness:** a set of principles that support fair and unbiased resolution of disputes that include a commitment to: treating all parties equally; providing all parties with the opportunity to contribute their point of view; impartial decision making based on consideration of relevant information; adequate notice of hearings and the right to a witness; prompt action; and clear communication about the decision and the reasons for that decision.
- **Appeal:** Where a person disputes a decision made by CNLC. This may be an assessment decision within the RTO or any other decision.
- **Complainant(s):** the person or persons making the complaint or allegation.
- **Resolution:** course of action determined or decided upon by all parties.
- **Mediation:** form of alternative dispute resolution that aims to assist disputants in reaching an agreement.

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APPROVED

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5 Relevant legislation, regulatory guidelines and rules

- Australian Charities and Not-for-profits Commission (ACNC) Governance Standards
- Education and Training Reform Act 2006 (Vic).
- Education and Training Reform Regulations 2007 (Vic).
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Act 1988 (Cth)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Freedom of Information Act 1972 (Vic)
- Occupational Health & Safety Act 2004 (Vic)
- Fairwork Act 2009 (Cth)
- Australian Quality Training Framework(AQTF) Essential Conditions and Standards for Continuing Registration 2012 - Standard 2.7 (and as updated)
- Victorian Registration and Qualification Authority (VRQA) Guidelines for Vocational and Education Training (VET) providers 2019 (and as updated)
- Standards for Registered Training Organisations (RTOs) 2015
- Skills First Quality Charter
- Federal, State and Council funding agreements with CNLC
- CNLC Rules

6 Related policies & procedures & documents

- CNLC Policy Register
 - Complaints and Appeals Register
 - Complaints and Appeals Procedure
 - Complaints and Appeals Form
 - CNLC Privacy & Confidentiality Policy
 - CNLC Privacy & Confidentiality Procedure
 - CNLC Records Management Policy
 - Grievance Procedure
 - Staff Induction and Management Procedure
 - Volunteer Induction and Management Procedure
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