

Complaints and Appeals Procedure

Description of policy	This procedure outlines Living & Learning Nillumbik's approach to managing complaints and appeals and ensures that all participants, staff, employers and other stakeholders are aware of the steps to take to have their complaint or appeal addressed appropriately. This procedure provides an avenue for all complaints and appeals to be addressed in a fair, efficient and confidential manner. Assessment appeals are referred to separately in this procedure.
Policy applies to	Living & Learning Nillumbik VET team staff.
Policy category	Revised Policy
Description of revision and Version Number	Version Number: V2

Approved by	Living & Learning Nillumbik Committee
Effective date	July 2018
Date of last revision	July 2018
Date of next review*	June 2021

*Unless replaced, this policy will still apply beyond the review date.

Related internal procedures and guidelines	<ul style="list-style-type: none"> • Continuous Improvement Register • Complaints Register • Appeals Register
Related policies	<ul style="list-style-type: none"> • Continuous Improvement and Quality Assurance Policy • Complaints and Appeals Policy • Training and Assessment Policy

	<ul style="list-style-type: none"> • Fees, Charges and Refunds Policy • Privacy Policy (Nillumbik Shire Council)
Related legislation, standards and guidelines	<ul style="list-style-type: none"> • VRQA Guidelines for VET Providers • AQTF 2010 Essential Standards for Continuing Registration ESR • Australian Qualifications Framework

Definitions

Appeal – a request to review a decision that has previously been made.

Complaint – a person’s expression of dissatisfaction with any service provided by Living & Learning Nillumbik.

Formal complaint – a concern which has not been resolved informally, and which is then addressed formally in writing, and forwarded to the Coordinator Living & Learning Nillumbik.

Informal complaint – a concern which is discussed directly with the person(s) involved, or indirectly with the support of a Living & Learning Nillumbik staff member. An informal complaint can be made and discussed verbally or via written forms of communication such as email.

Procedure

- Living & Learning Nillumbik will attempt to resolve all verbal and/or written complaints initially through discussion and conciliation.
- All staff, tutors and trainers on commencement of employment will be referred to the Complaints and Appeals Policy and Procedure so that they will have a clear understanding of the steps involved in the complaint procedure.
- Participants will be made aware of the Complaints and Appeals Policy and Procedure through the Living & Learning Nillumbik website and by inclusion in the Learner Handbook.

Step	Responsibility
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<p>1. Stage 1 - Addressing concerns and difficulties / informal complaints</p> <p>1.1 Wherever possible, participants should attempt to resolve concerns or difficulties directly with the person(s) concerned to deal with the issue before it becomes a formal complaint. Living & Learning Nillumbik's tutors, trainers, program coordinators and administration staff are available to assist participants to resolve their issues at this level.</p>	<p>Complainant and relevant L&LN staff</p>
<p>2. Stage 2 - Formal complaint</p> <p>2.1 Make the complaint in writing</p> <p>Formal complaints are to be made in writing and made attention to the Coordinator Living & Learning Nillumbik.</p> <p>When making a complaint, provide as much information as possible to enable Living & Learning Nillumbik to investigate appropriately and determine an appropriate solution. This should include:</p> <ul style="list-style-type: none"> • The issue you are complaining about – what happened and how it affected you. • Any evidence you have to support your complaint. • Details about the steps you have taken to resolve the issue. • The complainant is invited to include suggestions about how the matter might be resolved. <p>If the complaint is about the Coordinator Living & Learning Nillumbik, the complaint is to be made in writing to the Manager Community Programs at Nillumbik Shire Council.</p>	<p>Complainant</p>
<p>2.2 Acknowledge receipt of complaint.</p> <ul style="list-style-type: none"> • Provide a written acknowledgement of the complaint to the complainant within ten (10) business days of its receipt. 	<p>Coordinator Living & Learning Nillumbik</p>

<ul style="list-style-type: none"> • Enrolment status – Participants should be advised that choosing to access this policy and procedure will not affect their enrolment status during the complaints handling process. • Record the details of the complaint on the Complaints Register. 	<p>Or, if applicable, Manager Community Programs</p>
<p>2.3 Investigate and review the complaint.</p> <ul style="list-style-type: none"> • Upon receiving the complaint, investigation into the matter will take place to ensure Living & Learning Nillumbik has accurate, complete and relevant information. • All reasonable measures must be taken to finalise the process as soon as practicable, ideally within twenty (20) business days. If the matter is particularly complex and goes onto stage 3 of the complaints process or further, the matter may take longer to resolve. • If it takes longer than 20 business days to resolve a complaint, the Coordinator Living & Learning Nillumbik (or Manager Community Programs if applicable) will contact the complainant prior to or at this time and explain why. • Living & Learning Nillumbik may request further details from the complainant and /or respondent (if applicable). This may be in writing, over the phone, or by face-to-face interview with the complainant and/or respondent(s). • The Coordinator Living & Learning Nillumbik or delegate (or Manager Community Programs if applicable) will review the information and decide on the appropriate actions to be taken. 	<p>Coordinator Living & Learning Nillumbik or delegate, Or, if applicable, Manager Community Programs</p>
<p>2.4 Recommend resolution and provide report to complainant.</p> <ul style="list-style-type: none"> • The Coordinator Living & Learning Nillumbik or their delegate (or Manager Community Programs, if 	<p>Coordinator Living & Learning Nillumbik</p>

<p>applicable) will provide a written response to the complainant, and the respondent (where applicable), on the steps taken to address the complaint which will include recommendations and reasons for their decision.</p> <ul style="list-style-type: none"> • The response will further advise the complainant, and the respondent (where applicable), of their right to access the internal appeals process if they are not satisfied with the outcome of the formal complaint process. • Update the complaints register on the outcome of the complaints process. 	<p>supported by admin where required,</p> <p>Or, if applicable, Manager Community Programs</p>
<p>3. Stage 3 – Internal appeal</p> <p>3.1 Lodge appeal in writing</p> <ul style="list-style-type: none"> • If the complainant, (or respondent, where applicable), is dissatisfied with the outcome of the complaints process, they may lodge an appeal in writing to the Coordinator Living & Learning Nillumbik within ten (10) business days of the proposed resolution being communicated to them. <p>If the complaint was about the Coordinator Living & Learning Nillumbik, the appeal should be lodged in writing to the Manager Community Programs at Nillumbik Shire Council.</p> <ul style="list-style-type: none"> • The complainant (or respondent) may request for an independent party (mediator) to be involved in the process. • Living & Learning Nillumbik may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. 	<p>Complainant</p>
<p>3.2 Acknowledge receipt of appeal</p> <ul style="list-style-type: none"> • Provide a written acknowledgement of the appeal to the complainant/respondent within ten (10) business days of its receipt. 	<p>Coordinator Living & Learning Nillumbik,</p>

	Or, if applicable, Manager Community Programs
<p>3.3 Investigate the details of the original complaint and decide on outcome of internal appeal.</p> <ul style="list-style-type: none"> • The Coordinator Living & Learning Nillumbik (or Manager Community Programs, if applicable) will arrange for the Complaints and Appeals committee to conduct the investigation. • The Complaints and Appeals committee is to be made up of the Coordinator Living & Learning Nillumbik (or Manager Community Programs, if applicable) and two other senior Living & Learning Nillumbik staff members. • An appropriate person will be appointed to consult with the complainant, respondent (where applicable) and other relevant parties, including those involved in making the original decision. This may be in writing, over the phone, or by face-to-face interview with the complainant and/or respondent(s). • The complainant and/or respondent (if applicable) may ask another person to accompany them to face-to-face meetings. The Living & Learning Nillumbik staff member managing the complaint may also request for another staff member to be present. • Following the consultations, the Complaints and Appeals Committee will meet to decide on an appropriate resolution. • The Complaints and Appeals Committee will then provide a written response to the complainant, and respondent (where applicable), advising the outcome of the internal appeal. 	Complaints and Appeals Committee

<ul style="list-style-type: none"> • The response will further advise the complainant, and respondent (where applicable), of their right to access external complaints and appeals mechanisms if they are not satisfied with the outcome of the internal appeal. • Record on the Appeals Register. 	
<p>4. Internal assessment appeals</p> <p>4.1 Lodge an internal assessment appeal.</p> <ul style="list-style-type: none"> • Learners have the right to appeal an assessment decision. • Internal assessment appeals should be made in writing to the L&LN Coordinator within ten (10) business days of the original assessment decision being communicated to the learner. • The learner should provide details of why they are appealing the assessment decision. 	Learner
<p>4.2 Acknowledge receipt of appeal</p> <ul style="list-style-type: none"> • Provide a written acknowledgement of the appeal to the learner within ten (10) business days of its receipt. 	Coordinator Living & Learning Nillumbik
<p>4.3 Review the assessment</p> <ul style="list-style-type: none"> • The Coordinator Living & Learning Nillumbik will organise for the assessment to be reviewed. Where deemed necessary, the Coordinator may appoint an independent, qualified assessor to review the assessment. • The outcome of the assessment appeal will be advised in writing to the participant / learner, ideally within fifteen (15) business days. The participant / learner will be advised if additional time is required due to special circumstances. • If the learner requests a reassessment after being notified of the outcome of the assessment appeal, this reassessment will be at her/his own expense. 	Coordinator Living & Learning Nillumbik and assessor/s

<p>4.4 Record the appeal Record the details of the appeal on the Appeals Register.</p>	<p>Staff involved in dealing with the appeal.</p>
<p>5. Other internal appeals</p> <p>5.1 Lodge an appeal</p> <p>A participant or prospective participant may appeal the outcome of other decisions made by Living & Learning Nillumbik, including but not limited to decisions relating to applications for:</p> <ul style="list-style-type: none"> ▪ Entry into a qualification course ▪ Special consideration under Living & Learning Nillumbik’s Fees, charges and refunds policy. <p>Internal appeals should be made in writing attention to the Coordinator Living & Learning Nillumbik within ten (10) business days of the original decision being communicated to the applicant.</p>	<p>Participant</p>
<p>5.2 Acknowledge receipt of appeal</p> <ul style="list-style-type: none"> • Provide a written acknowledgement of the appeal to the learner within ten (10) business days of its receipt. 	<p>Coordinator Living & Learning Nillumbik</p>
<p>5.3 Review the decision</p> <ul style="list-style-type: none"> • The Coordinator Living & Learning Nillumbik will arrange for the Complaints and Appeals committee to review the decision. • The Complaints and Appeals committee is to be made up of the Coordinator Living & Learning Nillumbik and two other senior Living & Learning Nillumbik staff members. • An appropriate person will be appointed to consult with the applicant and other relevant parties, including those involved in making the original decision. This may be in writing, over the phone, or by face-to-face interview with the applicant. The 	<p>Complaints and Appeals Committee</p>

<p>applicant may ask another person to accompany them to face-to-face meetings.</p> <ul style="list-style-type: none"> • Following the consultations, the Complaints and Appeals Committee will meet to decide on an appropriate resolution. • The Complaints and Appeals Committee will then provide a written response to the applicant, advising the outcome of the internal appeal. • The response will further advise the applicant of their right to access external complaints and appeals mechanisms if they are not satisfied with the outcome of the internal appeal. • Record on the Appeals Register. 	
<p>6. External complaint or appeal</p> <p>6.1 Avenues for external complaints or appeals</p> <p>Complainants are encouraged to follow the internal processes above before making an external complaint or appeal, however if they wish, they may lodge their complaint or appeal with an external organisation at any time, at their own cost. This information is provided in the Complaints and Appeals Policy, which is published on the Living & Learning Nillumbik website, and in the Learner Handbook.</p> <ul style="list-style-type: none"> • National Training Complaints Hotline - Phone: 13 38 73 Monday–Friday, 8am to 6pm nationally. Email: skilling@education.gov.au <ul style="list-style-type: none"> ▪ The National Training Complaints Hotline will not investigate complaints but will forward complaints to the most appropriate agency, authority or jurisdiction for consideration. • Victorian Registration and Qualifications Authority (VRQA) – www.vrqa.vic.gov.au <ul style="list-style-type: none"> ▪ The VRQA does not investigate complaints about refunds or personal disputes between students 	Complainant

<p>and trainers/assessors. The VRQA does investigate breaches of registration standards.</p> <ul style="list-style-type: none"> ▪ For issues relating specifically to traineeships, call the VRQA on 1300 722 603. • Consumer Affairs - www.consumer.vic.gov.au (for complaints about refunds) 	
<p>6.2 Respond to external complaints</p> <p>If contacted by its registering body or any other relevant complaint body Living & Learning Nillumbik will co-operate fully in the process of handling the complaint. This may include providing full access to the relevant learner file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate with such instances and to give an accurate account of the events as they understand them.</p>	<p>Staff and Management of Living & Learning Nillumbik as required</p>
<p>7. Records of complaints, appeals and their outcomes</p> <p>7.1 Record complaint, appeals and outcomes.</p> <ul style="list-style-type: none"> • During and after any complaint or appeal, appropriate actions will be taken by Living & Learning Nillumbik to prevent the cause of the complaint and/or appeal from recurring through its Continuous Improvement and Quality Assurance policy and procedures. • Complaint and appeal details and outcomes will be logged on Living & Learning Nillumbik's Complaints and Appeals Registers for review and discussion at Team Meetings to ensure that if any improvements can be made to avoid a similar issue in the future, this will be acted upon. 	<p>Coordinator Living & Learning Nillumbik or delegate</p>