



Policy Number	PROG004
Policy Created	
Version	3
Date Reviewed by Board	February 2019
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Complaints and Appeals

Policy and Procedure

Purpose: The purpose of this procedure is to ensure that grievances are resolved by negotiation and discussion between the parties:

Scope: This policy applies to all students and prospective students, staff and prospective staff, and other members of the community who use or would like to use the services of Bacchus Marsh Community College (hereafter BMCC) in situations or activities related to their roles at the College

Policy

All complaints and appeals received by BMCC will be viewed as an opportunity for improvement. This policy supports Australian Quality Training Framework (AQTF) Standards by providing a process for complaints and appeals to be heard and actioned.

We recognise that complaints that require formal resolution may occasionally arise despite efforts of BMCC staff to satisfy the needs of students. We are committed to students having opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student.

All employees are required to ensure all clients receive fair and equitable services within their scope of responsibility. All staff hold the responsibility to maintain a work and study environment free from discrimination and harassment

Management is responsible for ensuring adherence to the policies and procedures that support this goal.

Every effort should be made to resolve the complaint or grievance at an informal level where appropriate.



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Responsibilities

The staff and management will achieve this by:

- working in such a way as to promote equity, access, participation and the rights of people within the community;
- seeking to include sections of the community that are under-represented at the College and are disadvantaged;
- making a specific commitment to those people who are disadvantaged, for example: indigenous Australians, people on low incomes, sole parents, people with non-English speaking backgrounds, people with a disability, those without access, to education and young people;
- developing an understanding of what disadvantage is, why people are disadvantaged and who is disadvantaged in the local community;
- implementation and review of procedure annually or as required;
- recognising and responding to specific issues of language and culture, gender, sexual preference, disability, financial disadvantage, social and geographical isolation;
- planning and undertaking special measures to ensure the inclusion of disadvantaged groups and their community.

Special measures may include:

- ensuring that targeted groups have input into the development of programs;
- ensuring that our Board of Directors is representative of the community;
- seeking to assist disadvantaged groups to establish programs which they own and control if this is preferred;
- advocating on behalf of disadvantaged people with government;
- ensuring that the Board of Directors represents a diversity of opinion and is accessible to all members through open and accountable practices.

Client selection for accredited training

Clients will not be denied access to services offered by the Registered Training Organisation (RTO) where they are deemed eligible and there are available places. Clients will be individually assessed on their eligibility and their learning abilities for the program being provided and selection will comply with relevant equal opportunity legislation and the selection criteria for the program.

Although BMCC practises an open access policy, it is recognised that client eligibility and suitability for services may be influenced by:

- Government funding/contract requirements;
- Course pre-requisites;
- Availability of services; and
- Language, literacy and numeracy test results – ascertaining client capabilities.

Where limited places are available, client selection is based on the date of application.



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Procedure

1. General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's issue. Any staff member can be involved in this informal process to resolve issues

2. Formal Complaints

Should a formal complaint be lodged, the following steps are required:-

- Firstly, discussion shall take place between the aggrieved client or employee and the Chief Executive Officer (CEO) or an independent person nominated by mutual agreement. This may involve the assistance of a Director of the Board, colleague, or member of an industrial organisation of a client or employee's choice.
- If the matter cannot be resolved by the CEO it shall be referred to the next meeting of the BMCC Inc Board of Directors in writing.
- The Board will schedule a meeting between the aggrieved client or employee, their nominated advocate, the CEO, and an executive member of the BMCC Board of Directors. At the conclusion of this deliberation a report and recommendation shall be forwarded to the next scheduled Board meeting.
- In the event that the Board's recommendation is deemed unacceptable by either party, an appeal may be heard by an independent person or panel agreed to by both parties to the dispute. The decision of this body will be final.
- When settlement is reached at any stage in the formal process, signed statements of the agreement shall be exchanged by the parties to the agreement.

3. Student Appeal Against Assessment Procedure

Grounds for Appeal

All training staff shall ensure that student induction is undertaken prior to the commencement of training and assessment for all courses and qualifications provided by BMCC.

An appeal against a final assessment result in a unit may only be based on one, or any, of the following grounds:

- Failure of the unit description to be explicit in the indication of:
 - The learning tasks students are required to complete in the unit;
 - How students will be assessed for the unit;
 - Any other industry requirements or standards;
- Failure by the assessor to observe the assessment procedures set out in the unit description;
- Failure to apply fairly and appropriately the criteria set out in the unit description



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A student who believes he or she has grounds to appeal against a final result in a unit has the option to discuss the assessment task, on which the final result is based, with the trainer who delivered the unit. In the absence of the relevant trainer, the student should consult the Chief Executive Officer.

Appeal

A student may appeal against a final result in a unit by forwarding a written notice of appeal to the Chief Executive Officer within 7 days of receiving the assessment result.

The notice of appeal must state the grounds on which the student relies in seeking the appeal.

The trainer, on request from the CEO, will give written reasons for the final assessment result for the unit.

Requirements

The CEO may require:-

- The student to submit all assessed material in the unit
- The whole or part of the assessment of the unit to be assessed independently by one or more appropriately qualified assessors.

The CEO shall:

- Make such enquiries relating to the assessment of the result as he or she thinks fit
- Give the student the opportunity to be heard by oral or written submission
- Consider the appeal
- Report to the student in writing the result of the appeal within 3 days of the receipt of notification of appeal or such further time as may be reasonably necessary to complete his or her determination.

The CEO may confirm the original result or change the result .

A student may be accompanied by an observer when appearing before the CEO or Directors of the Board, however, the observer may not speak unless invited to by the CEO or Director.

The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify BMCC if they wish to proceed with the external appeals process.

Unable to Lodge Notice of Appeal

In the event of a student being unable to lodge the notice of appeal within the specified time for any reason acceptable to the CEO, the CEO may consider the appeal out of time.

Appeal when Responsible Trainer is the CEO

When the CEO is responsible for the assessment in the unit which is subject to appeal a Director of the Board shall hear the appeal and the above sections will be followed.



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4. Appeal Unresolved - Further information and External Mediator

External Appeal

In addition to the above internal processes, students enrolled with BMCC can lodge an application with the Dispute Settlement Centre of Victoria (DSCV) if still dissatisfied with the decision of the RTO. They may also wish to seek legal advice.

The Dispute Settlement Centre of Victoria (DSCV) is a free dispute resolution and mediation service funded by the Victorian Government and may be able to assist resolve any outstanding complaint or issue with the complaint handling process.

Further details and office locations for this service are available from <http://www.disputes.vic.gov.au/>.

VRQA Complaints

If a client (student or other client) is still dissatisfied with the decision of the RTO, they may also wish to place a complaint about the RTO to the Victorian Registration and Qualifications Authority VRQA directly (Please be aware that VRQA does not act in a mediation capacity).

If, after the RTO's internal complaints and appeals processes have been completed, the student still believes the RTO is breaching or has breached its legal requirements, he/she can submit a complaint to VRQA by doing one of the following:

- completing an online complaint form
- filling out the printable complaint form and posting or faxing it to the VRQA
- writing a letter and posting or faxing it to the VRQA

Further information can be found on the VRQA website: <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx>

Contact details for VRQA are as follows:

Victorian Registration and Qualifications Authority (VRQA).

Level 4, Casselden Place
 2 Lonsdale Street
 Melbourne Vic 3000
 Postal Address: GPO Box 2317, Melbourne, Vic, 3001
 Ph: (03) 9637 2806
 Website: www.vrqa.vic.gov.au

Please note: there is no cost to the student to submit a complaint to the VRQA.

Supporting Documentation

Complaint and Action Report Form

Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
2			Changed format to include new sections (including student appeals against assessment), purpose, scope, definitions, added reasonable adjustment



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