

POLICY AND PROCEDURE

CONCERNS, COMPLAINTS (GRIEVANCES) AND APPEALS

Date Approved:	27/04/2020
Policy Category:	Management
Policy Owner:	General Manager – Training Operations

1. Context

1.1. This policy and procedure describes the actions to be taken in the event of a concern, complaint (grievance) or appeal. Our aim is to continuously improve and provide a constructive resolution for all parties wherever possible and in a timely manner.

1.2. This policy applies to students, clients, employees, third parties and external parties. It covers all academic and non-academic instances that causes hardship, concern or distress, disadvantages, appeals against an assessment decision or against a complaint outcome. It includes students who are, or would be entitled to VET Student Loan assistance or to persons seeking to enrol into a VET unit of study that meets the course requirements who are, or would be entitled to VET Student Loan assistance.

1.3. From time to time SEDA Group employees may experience a grievance, such as they feel that they are not being treated appropriately in the workplace or experience a decision, policy, style of supervision or have another type of grievance that causes them concern. This policy outlines the steps that employees should follow to deal with the grievance.

1.4. This policy does not apply to internal grievances within SEDA Group relating to:

- alleged discrimination, harassment, bullying or victimisation;
- where an employee has a grievance relating to the actual or threatened termination of their employment; or
- where SEDA Group has commenced, or it is reasonably anticipated that SEDA Group may commence, a disciplinary procedure against an employee (including an investigation into alleged misconduct by, or the capacity of, an employee).

Grievances relating to the above will be dealt with in accordance with SEDA Group's Discrimination, Harassment and Bullying Policy (Staff).

1.5. A Complaint/Grievance can be made regarding:

- Any training product or services provided by SEDA Group
- A trainer, assessor or other employee of SEDA Group
- A third-party providing training products or services on SEDA Group's behalf including their trainers, assessors and other employees
- A student of SEDA Group
- An academic issue where the current, past or prospective student believes they are disadvantaged in the training product they are undertaking, have undertaken or wish to undertake
- A SEDA Group employee who has a grievance in the workplace or with a third party.

- 1.6. Complainants/Appellants are entitled to access the concerns, complaints (grievances) and appeals procedure as set out in this policy regardless of the venue location at which the concerns, complaints (grievances) and appeal has arisen, the mode in which they study or their place of residence. This policy is made available on the SEDA Group website, MySEDA, and information is provided in Course Information Brochures and employee inductions.
- 1.7. All SEDA Group employees are trained and informed of the *Concerns, Complaints (Grievances) and Appeals Policy and Procedure* during their employment induction.

2. Definitions

- 2.1. **Academic Complaint (Grievance) or Appeal** – a complaint/grievance or appeal which relates to a student’s progress, assessment, curriculum and awards in a training product. A *Complaint (Grievance) and Appeals Form* **is required to be completed and submitted to SEDA Group.**
- 2.2. **Appeal** – An appeal is generally made against a complaint/grievance decision outcome or internal review. A *Complaint (Grievance) and Appeals Form* **is required to be completed and submitted to SEDA Group.**
- 2.3. **Client** – A partner of SEDA Group that is not providing training services on behalf of SEDA Group; or is an employer of an apprentice/trainee of SEDA Group
- 2.4. **Complaint (Grievance)** – A complaint is generally a statement from an individual that they are unhappy or not satisfied with something. A *Complaint (Grievance) and Appeals Form* **is required to be completed and submitted to SEDA Group.**
- 2.5. **Complainant/Appellant** — an individual who has, or intends to lodge a formal complaint or appeal
- 2.6. **Concern** – A concern is an issue or feedback which is raised informally in order to improve, discuss, negotiate or change a situation and where a *Complaint (Grievance) and Appeals Form* is **not** completed.
- 2.7. **External Party** – An individual that is a prospective student or not employed, engaged or undertaking training services with SEDA Group
- 2.8. **Non-academic Complaint (Grievance) or Appeal** – A complaint/grievance or appeal that is non-academic in nature. It may be an expression of grievance or dissatisfaction where the Complainant is seeking a resolution or outcome and may include (but is not limited to) the following:
- Discrimination
 - Unfairness and injustice
 - Vilification
 - Sexual harassment
 - Other forms of harassment
 - Student amenities
 - Grievances in relation to enrolment personal information that the RTO holds in relation to the student
 - Dissatisfaction of services provided
 - Financial matters
- A *Complaint (Grievance) and Appeals Form* **is required to be completed and submitted to SEDA Group.**

2.9. Remedy or action – a remedy or action may include:

- an explanation or further information about the issue
- acknowledgement of each other’s perspective and an agreement on ways to manage differences
- agreement on what constitutes acceptable behaviour
- an undertaking that unacceptable behaviour will change
- Conciliation, negotiation, mediation, counselling or other support
- an apology or expression of regret
- a change in decision
- a change to policy, procedure or practice

2.10. Restorative practice – a strategy that seeks to repair relationships that have been damaged, including those damaged through bullying. It does this by bringing about a sense of remorse and restorative action on the part of the offender and forgiveness by the victim.

2.11. Staff (Employee) – An individual employed or contracted by SEDA Group, this includes trainers/assessors

2.12. Student – An individual that is enrolled, was enrolled, or is seeking to enrol in a training product with SEDA Group. This also includes a student’s parent or legal guardians when that student is or was enrolled in a VET in Schools Program; or is under 18 years of age

2.13. Third party – A company is providing training services on behalf of SEDA Group. This includes trainers, assessors and other employees

2.14. Training Product – A qualification, unit of competency, unit of study, skill set, accredited short course or module

2.15. Training Services – Training and assessment, recruitment of prospective learners, enrolment of learners (incl. fee receipting), provision of educational or support services or issuance of qualifications

2.16. VET Student Loans – is an income contingent loan scheme to assist eligible students undertaking certain Vocational Education and Training (VET) courses of study (Diploma, Advanced Diploma, Graduate Certificate and Graduate Diploma course) with an approved VET provider, to pay for all or part of their tuition costs.

3. Objectives and Expectations

3.1. SEDA Group is committed to taking all complaints (grievances) seriously and dealing with them sensitively in an:

- impartially environment in which complaints (grievance) or appeals are responded to promptly, with minimum distress and maximum protection to all parties
- Ethical and responsible management, and a visible, accessible and fair complaints (grievances) or appeals handling process with a view to achieving mutually acceptable and fair outcomes. No decisions will be made, or any action taken until relevant information has been collected and considered to the extent possible.
- Adopting an ethical, transparent and professional approach to handling complaints (grievances) and appeals whilst viewing complaints (grievances) and appeals as providing an opportunity to review and improve its policies and practices,
- Respect for privacy and confidentiality wherever possible. Only the people directly involved in the grievance will have access to the information relevant to the grievance. To the extent possible the identity of the complainant who raised the complaint (grievance) will be kept confidential. However, the principle of natural justice may require disclosure of a complainant's identity to the party against whom an allegation has been made. Disclosure of a complainant's identity will be at the discretion of the person handling the grievance.
- Mutually acceptable resolution being reached through negotiation, conciliation and/or mediation
- Providing information to Complainants/Appellants in a non-threatening way by having the *Complaint (Grievance) and Appeals Form* accessible from the SEDA Group website and MySEDA
- Handling concerns, complaints (grievances) and appeals based on the goal of building relationships between all parties and creating a safe and supportive learning and working environment

3.2. SEDA Group expects that all parties will act respectfully and in good faith, in a calm and courteous manner where the rights and responsibilities of all parties are recognised.

3.3. Complainants/Appellants are encouraged to informally discuss a Complaint (grievance) or appeal with their Trainer/Assessor, Coordinator, Manager, or Executive Manager (refer Appendix 1) before undertaking the formal Complaints (Grievances) and Appeals Procedure.

3.4. No complaints (grievances) and appeals will be pre-judged.

3.5. Complainant/Appellants and any other respondent will not be victimised or discriminated against at any of the stages set out in this policy, nor as a result of complaints (grievance) or appeals being raised.

3.6. Disciplinary action may be taken against an employee who victimises an employee who has raised a grievance, provided information in support of a grievance or supported another employee to make a grievance.

3.7. SEDA Group expects a person raising a complaint (grievance) or appeal to:

- do so as soon as possible after the issue occurs and to provide complete and factual information about the complaint/appeal
- maintain and respect the privacy and confidentiality of all parties and acknowledge that a common goal is to achieve an outcome acceptable to all parties
- act in good faith, and in a calm and courteous manner
- show respect and understanding of each other's point of view and value difference, rather than judge and blame

- recognise that all parties have rights and responsibilities which must be balanced

3.8. SEDA Group expects its employees to:

- address concerns, complaints (grievances) and appeals in line with the relevant federal legislation and/or legislation in that state or territory as per the SEDA Group Operating Manual
- follow the procedure outlined in this policy and procedure
- operate in a fair and unbiased way
- maintain confidentiality where possible. In the interests of natural justice, and in order to effectively investigate complaints and appeals, the details of a Complainant/Appellant may need to be discussed with persons affected. While employees will conduct this process sensitively, it may not prevent the Complainants/Appellants identity from being known.

3.9. Where possible, SEDA Group seeks to use a restorative justice approach to resolve complaints (grievances) or appeals that relate to an individual’s behaviour that has impacted on other students, employees or the broader community. These outcomes are negotiated with the individual as part of the restorative justice process.

4. Privacy

4.1. Where possible, Complainants/Appellants must be identified for formal proceedings to commence under this policy and procedure. SEDA Group acknowledges and respects the privacy of individuals and complies with the Privacy Act 1988 including the Australian Privacy Principles in respect of the collection, use and disclosure of personal information from individuals. Records of all complaints (grievances) and appeals and outcomes of the complaints (grievances) and appeals are kept for a period of 7 years. All individuals are able to access their personal information held by SEDA Group under the Freedom of Information Act 1982.

4.2. As a registered training organisation, regulated by the Australian Skills Quality Authority, SEDA Group is required to collect, hold, use and disclose a wide range of personal and sensitive information. This information requirement is outlined in the National Vocational Education and Training Regulator Act 2011 and associated legislative instruments.

It is noted that SEDA Group is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s), Vocational Education & Training Act(s) and Traineeship & Apprenticeships Act(s) relevant to state jurisdictions of SEDA Group operations).

It is further noted that, aligned with these legislative requirements, SEDA Group delivers services through a range of Commonwealth and State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

For more information, please refer to SEDA Group’s Privacy Policy and Procedure.

5. Concerns, Complaints (Grievances) or Appeals Procedure – Informal Resolution

- 5.1. In the first instance, SEDA Group will endeavor to resolve any concerns, complaints (grievances) or appeals whether of an academic or non-academic nature, through informal processes of discussion and negotiation. This is between either the student, client, employee, third party or external party and the relevant employee of SEDA Group. Please refer to appendix 1 for relevant reporting structures of this policy and procedure.
- 5.2. Where an informal process fails to achieve a resolution the procedure for submitting a formal complaint (grievance) or appeal is outlined below.

6. Concerns, Complaints (Grievances) and Appeals Procedure – Formal Resolution

Complaints (grievances) and appeals are handled through the following procedure and will not incur a fee.

- 6.1. The Complainant/Appellant must complete in full the *Complaint (Grievance) and Appeals Form*. This is found in appendix 2 of this policy and procedure. The *Complaint (Grievance) and Appeals Form* and any supportive information is to be submitted by one of the following:
- In person to the relevant employee of SEDA Group as per appendix 1
 - Students, clients, third parties and external parties' email: info@sedagroup.com.au
 - Employees email: peopleandculture@sedagroup.com.au
 - Post: Attention to the relevant employee of SEDA Group as per appendix 1, 425 Riversdale Road, Hawthorn East, Victoria 3123

Should the *Complaint (Grievance) and Appeals Form* be completed anonymously, acknowledging, investigating and providing a resolution/outcome may be difficult for SEDA Group to complete.

This procedure does not prevent legal rights of complaints (grievances) or appeal. SEDA Group employee will decide whether a complaint (grievance) is to be processed under this procedure or via an external process.

- 6.2. The relevant employee will acknowledge in writing within 2 business days that they have received the *Complaint (Grievance) and Appeals Form* and any supportive information.
- 6.3. The relevant employee is then to advise their relevant manager of the *Complaint (Grievance) and Appeals Form* being received and acknowledged. Refer to appendix 1 for relevant reporting structures of this policy and procedure.
- 6.4. The complaint (grievance) or Appeal will be recorded on the *Continuous Improvement Register* by the relevant employee or manager (refer to appendix 1). A log must be maintained to keep track of responses, duration and all correspondence between the Complainant/Appellant and relevant employee. People and Culture will keep relevant documentation on individual employee files.
- 6.5. Parties involved in the allegations of a complaint (grievance) or appeal will be advised.
- 6.6. The relevant employee will consider and investigate the complaint (grievance) or appeal within 20 working days of the date being submitted by the Complainant/Appellant and request

any further clarification and documentation from all relevant parties to resolve the matter or to reconsider any original academic or non-academic decision.

- 6.7. The Complainant/Appellant can request or may be requested to meet with the relevant employee and/or manager to be interviewed or conduct a meeting to determine the facts of the matter and; if possible, resolve the complaint (grievance) or appeal; discuss the nature or specifics of the complaint (grievance) or appeal within 20 working days of the date of the complaint (grievance) or appeal being submitted by the Complainant/Appellant.
- 6.8. Either party has the right to have a third party support such as a family member, friend, counselor or other professional support person, present at any meeting. Should third party support be required, this is at the cost of the party engaging the third party support.
- 6.9. All discussions and meetings between the Complainant/Appellant and SEDA Group must be documented appropriately.
- 6.10. After a complaint (grievance) or appeal has been investigated, the relevant employee and manager may determine the complaint (grievance) or appeal is substantiated or unsubstantiated. A complaint (grievance) or appeal may be dismissed if no remedy, action or decision is required. The Complainant/Appellant will be advised in writing within 14 days outlining the reasons for the decision, advise how to have the decision reviewed (referring to this policy and procedure) and any offering of an appropriate mutually acceptable remedy or action.
- 6.11. If the complaint (grievance) or appeal is resolved, the relevant employee or manager will provide a formal written response to the Complainant/Appellant within 14 days of the decision being made outlining the reason for the decision, advise how to have the decision reviewed (referring to this policy and procedure) and the agreed outcome to the complaint (grievance) or appeal.
- 6.12. Where a decision cannot be made within 60 calendar days the Complainant/Appellant will be informed in writing of the reason why and will receive fortnightly written updates on the matter until a resolution is reached by the relevant employee or manager.
- 6.13. Each SEDA Group department is required to report Complaints (Grievances) and Appeals via their Executive Manager to the SEDA Group Board.
- 6.14. The *Continuous Improvement Register* is to be updated to document activities following resolution and include corrective action to eliminate or mitigate the likelihood of reoccurrence of the Complaints (grievances) or appeal.

7. Internal Review

A request for an internal review of a decision outcome is handled via the following procedure. There are no fees for an appeal or review of a decision.

- 7.1. Each Complainant/Appellant can only make one appeal against a decision or outcome.
- 7.2. If the Complainant/Appellant is not satisfied with a decision or outcome, the Complainant/Appellant must complete in full the *Complaint (Grievance) and Appeals Form*. This is found in appendix 2 of this policy and procedure. The *Complaint (Grievance) and Appeals Form* and any supportive information is to be submitted by one of the following:
 - In person to the relevant employee of SEDA Group as per appendix 1
 - Students, clients, third parties and external parties' email: info@sedagroup.com.au

- Employees email: peopleandculture@sedagroup.com.au
- Post: Attention to the relevant employee of SEDA Group as per appendix 1, 425 Riversdale Road, Hawthorn East, Victoria 3123

Should the *Complaint (Grievance) and Appeals Form* be completed anonymously, acknowledging, investigating and providing a resolution/outcome may be difficult for SEDA Group to complete.

- 7.3. The General Manager – Training Operations, CEO or nominated SEDA Group Board member will acknowledge in writing within 2 business days that they have received the *Complaint (Grievance) and Appeals Form* and any supportive information.
- 7.4. The relevant employee member/manager involved in the original complaint (grievance)/appeal will report in writing within 3 working days to the General Manager – Training Operations, CEO or nominated SEDA Group board member including a copy of *Complaint (Grievance) and Appeals Form* and the written response from the employee member/manager, including all correspondence.
- 7.5. Parties involved in the allegations of an appeal or internal review will be advised.
- 7.6. The General Manager – Training Operations, CEO or nominated SEDA Group board member will establish the Grievances and Review Committee to convene and advise the Complainant/Appellant of the final outcome. The Grievances and Review Committee may:
 - Uphold and confirm the decision;
 - Vary the decision; or
 - Set the decision aside and substitute a new decision.
- 7.7. The Complainant/Appellant can request or may be requested to meet with the Grievances and Review Committee to be interviewed or conduct a meeting to determine the facts of the matter.
- 7.8. Either party has the right to have a third party support such as a family member, friend, counselor or other professional support person, present at any meeting. Should third party support be required, this is at the cost of the party engaging the third party support.
- 7.9. The Grievances and Review Committee must notify the Complainant/Appellant of the outcomes of the Review in writing within 20 working days of the *Complaint (Grievance) and Appeals Form* submitted for the internal review. The notice will outline the reason for the decision and advise the Complainant/Appellant that they have the right to appeal to an external agency within 28 days of the letter issue date.

8. External Review

- 8.1. If after internal review and the Complainant/Appellant is still not satisfied, the Complainant/Appellant has the right to appeal to an external agency and as such, SEDA Group is responsible for making arrangements for a person or body independent of, and external to SEDA Group to hear unresolved appeals arising from the internal review.
- 8.2. The external agency includes but is not limited to the following:
- Dispute Solutions – The Solutionist Group
Phone: 0414 816 789
www.disputesolutions.com.au
- 8.3. The Complainant/Appellant and SEDA Group have the right to be accompanied or assisted by another person for the external agencies review. This is at cost of the party who engages the additional assistance. There are no fees for the review of a decision.
- 8.4. The external agency will be requested by SEDA Group to provide written notice of their decision and reasons as to how their decision was formed. The written notice will be presented to the Complainant/Appellant and SEDA Group.
- 8.5. Where a decision cannot be made within 60 calendar days the Complainant/Appellant will be informed in writing of the reason and will receive fortnightly written updates on the matter until a resolution is reached.
- 8.6. SEDA Group will cooperate with the external agencies resolution and as part of its continuous improvement system, will implement recommendations arising from any external review. The Grievances and Review Committee will ensure that any recommendations are implemented within 30 days of receipt of the report from the external agency.
- 8.7. If after external review and the Complainant/Appellant is still not satisfied, they can contact:
- National Training Complaints Hotline: Phone: 13 38 73 Email: NTCH@employment.gov.au
 - in the instance of an RTO related matter, submit an online complaint to the Australian Skills Quality Authority (ASQA): <https://www.asqa.gov.au/complaints>
 - in the instance related directly with VET Student Loans or VET FEE-HELP, complainants may contact the VET Student Loans Ombudsman directly: 1300 362 072 or <http://www.ombudsman.gov.au/How-we-can-help/vslo>

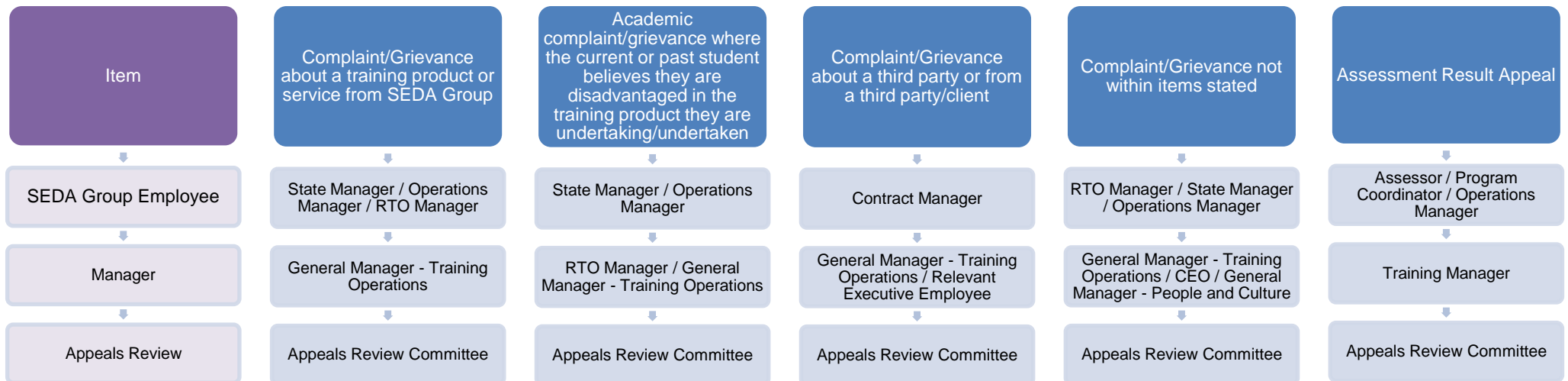
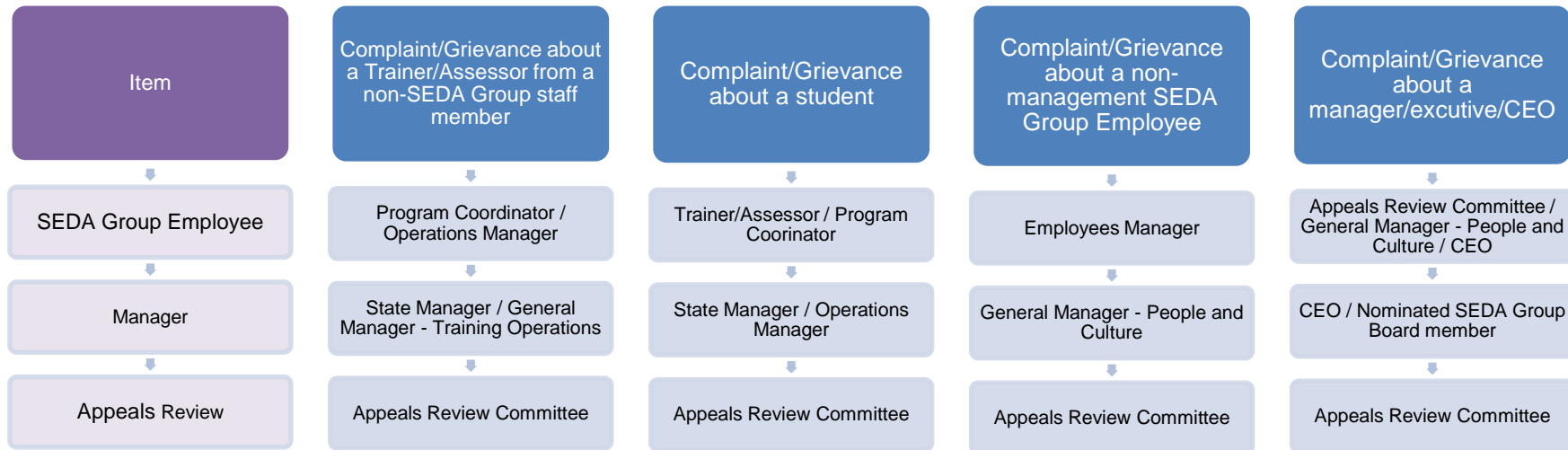
9. Relevant Legislation

VET Student Loans Act 2016
VET Student Loans Rules 2016
Standards for Registered Training Organisations (RTOs) 2015

10. Policy History

Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
1.0	GM -TO	28/07/16	28/07/16	Consolidation of duplicate policies
2.0	GM -TO	19/01/17	19/01/17	Incorporate VET Student Loans Rules 2016
3.0	GM -TO	12/12/17	12/12/17	Incorporate VET Student Loans Ombudsman and re-branding
4.0	GM -TO	26/10/18	29/10/18	Review of internal grievances, external company contact information and employee contact email
5.0	GM -TO	26/02/19	26/02/19	Review of internal grievances, updated to the definitions
6.0	GM -TO	3/07/2019	3/07/19	Review of formal resolution, definitions and external review contacts
7.0	GM -TO	27/04/2020	27/04/2020	Updated email address for NTCH

Appendix 1: Reporting Structure



Appendix 2:

Complaints (Grievances) and Appeals Form

Date submitted		
Type of submission	Complaint (Grievance) <input type="checkbox"/>	Appeal <input type="checkbox"/>
An informal attempt has been made to resolve the issue? (please detail)		

PART A: Complainant / Appellant details

First and Last Name			
Address			
Suburb		Post Code	
Best contact number			
Email address			

PART B: Details of Complaint (Grievance) / Appeal

Give a detailed explanation of your complaint (grievance) / appeal. Please be detailed and specific.		
Are you attaching supportive evidence? Please enter the name of the documents in the text box provided above.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Declaration

I have read and understand the Concerns, Complaints (Grievance) and Appeals policy and procedure.
I have provided a true and correct version of events in my complaint (grievance) / appeal.

Name	Signature	Date

If you are under the age of 18, please get your parent or guardian signature

Name	Relationship	Signature	Date