




Complaints and Appeals Policy

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Administered: Human Resources	Signed: 

1. Purpose

The Complaints and Appeals Policy aims to inform and assist all parties/stakeholders having dealings with Hunter Trade College (the College) of their responsibilities to resolve a complaint under the following:

- Education Act 1990
- Fair Work Act 2009
- Standards for Registered Training Organisations (RTOs) 2015

The purpose of the Complaints and Appeals Policy is to:

- provide information and a process for parties to follow in the event of a complaint or an appeal.
- provide a means by which aggrieved persons may receive prompt, fair and consistent consideration of complaints.
- minimise complaints by taking preventative or corrective action.

2. Scope

This Policy applies to all employees, students, visitors, contractors and any other College stakeholder. The Policy does not apply to personal grievances between parents, carers or other College community members.

The Policy does not extend to complaints that are whistleblowing disclosures. The College's Whistleblowing procedure deals with whistleblowing complaints processes.

A whistleblowing disclosure involves a board member, staff member, person who supplies goods or services to the College, a volunteer, an employer of a supplier or a relative of any of these people, that:

- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member or College officer, the College's auditor or a person whom the College has authorised to collect such disclosures.

3. Related policies

- For child protection complaints handling, see the Child Protection Policy.
- For complaints relating to the application of the Enterprise Agreement, see the Disputes Procedure (Enterprise Agreement Clause 21).
- For complaints about work health and safety, see the Work Health and Safety Communication and Consultation Policy.
- For complaints about workers compensation matters, see the Workers Compensation Policy.

4. Definitions

ASQA	Australian Skills Quality Authority
CEO	Chief Executive Officer
Complaint	<p>A complaint is any grievance, concern, or problem related to the College's workplace or services for either internal or external stakeholders.</p> <p>A complaint may be about any service provided or any act, omission, situation or decision that a person thinks is unfair, unacceptable or unjustified. This definition includes a potential dispute or complaint. Examples include:</p> <ul style="list-style-type: none"> • inappropriate behaviour, for example, offensive language, discrimination, harassment, or bullying. • staff or student development or training. • training delivered to clients, including students, other schools or fee-for-service courses. • supervision. • the conduct of a performance appraisal or performance management. • work allocation. • fees or accounts. • student VET/HSC competencies. • assessment decisions that the College RTO or a third party makes
HSC	Higher School Certificate
RTO	Registered Training Organisation
VET	Vocational Education and Training

5. Responsibilities

CEO, supervisors and managers	<ul style="list-style-type: none"> • identify and address, as part of their usual responsibilities, practices that may lead to stakeholder dissatisfaction
All persons involved in complaints	<ul style="list-style-type: none"> • including staff, students, parents/carers, Board Members, employers, visitors. • adhere to the principles of natural justice, consistent consideration of complaints, procedural fairness and co-operation. • may have a responsibility to resolve the complaint by mediation. The directly affected parties will agree to the mediator. • must maintain appropriate confidentiality.
Support person	<p>Parties may choose a support person to assist in the resolution of the matter. The support person will not engage directly in the process apart from acting as a witness to the discussion and providing emotional support to the affected party as required.</p>

6. Policy and Procedures

6.1 Raising a Complaint

Informal complaints may be raised by a complainant directly with the person involved. If the complainant does not feel comfortable doing so, or the matter is one where it may not be appropriate to do so, the person may make a complaint to the CEO. Any complaint about the conduct of a staff member should be raised directly with the CEO in the first instance.

Should the informal process not resolve the matter, the complainant may raise the issue formally in writing to the CEO via email at mallory.gleeson@htc.nsw.edu.au.

Where a person wishes to make a formal complaint concerning the CEO, or the complaint is between the CEO and an Executive staff member, the HR/WHS Officer will refer the complaint to the Chair of the Board, who will determine an appropriate person to manage the complaint.

In this situation, the policy references relating to the CEO role become references to the Chair of the Board or their delegate.

6.2 Handling Complaints

The CEO (or Chair of the Board) will generally acknowledge receipt of a formal complaint in writing as soon as practicable.

The CEO (or their delegate) will assess the complaint and determine:

- whether the complaint is one to address under this policy or a reportable conduct matter (refer to the Child Protection Policy); and
- the urgency or seriousness of the issue raised and therefore the priority of the complaint; and
- other reporting requirements, such as reporting to the Office of the Children's Guardian, Police, Department of Communities and Justice, or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

The CEO (or their delegate) will manage a formal complaint by:

- advising the complainant of the likely steps that the College will undertake concerning the complaint.
- if appropriate, informing the relevant parties of the complaint at the appropriate time and providing them with an opportunity to respond.
- collecting any additional information, the College considers necessary to assess the complaint.
- deciding how to resolve the complaint ("resolution decision").
- advising the complainant in writing, and any other relevant parties, of the resolution decision and, if appropriate, any proposed action to be taken.

There may be circumstances where some of the steps outlined above are not appropriate, and the College will determine, on a case by case basis, the most appropriate method of handling the complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the College about the complaint. However, the College maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where the College determines them to be inappropriate or unreasonable.

6.3 Complaints Handling Principles

The following principles apply to complaints handling:

6.3.1 Privacy

Only the people directly involved in making or investigating a matter will have access to information about the matter.

6.3.2 Impartiality

All parties involved will have the opportunity to provide details regarding the matter. Persons managing complaints will not make assumptions or take action until all relevant information has been collected and assessed.

6.3.3 Procedural Fairness

The College will handle a complaint to ensure procedural fairness for all parties involved in the complaint. Procedural fairness is a fundamental right of all when dealing with authorities. Procedural fairness refers to the hearing rule and the right to an unbiased decision.

The 'hearing rule' includes the right of the person who is the subject of an allegation to:

- know the allegation/s related to a specific matter and any other information which the College will consider.
- know the process by which the College will consider the matter
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making process
- an absence of bias by a decision-maker

6.3.4 Timeliness

The College will deal with all matters promptly and will keep all relevant parties informed of developments.

- For employee complaints, an informal meeting shall be held between the employee(s) and the supervisor/manager within seven calendar days to discuss the complaint or dispute and the remedy sought within 21 calendar days of notification, where possible.
- For complaints relating to students in the College's registered training organisation, where it takes more than 60 days to resolve the complaint, the College will inform the complainant in writing of the reason for the delay.

6.3.5 Victimisation

The College will take disciplinary action against anyone victimising or retaliating against a person who has lodged or is involved in a personal complaint. Such action may include termination of employment or expulsion from the College.

6.3.6 Confidentiality

All parties to the complaint will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other parties to determine what happened, afford fairness to those against whom the complaint has been made, and resolve the complaint.

All parties involved in the complaint must also maintain confidentiality, including the individual who lodges the complaint. The complainant may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

If a person breaches confidentiality, disciplinary procedures may apply.

6.3.7 Record Keeping

Where appropriate, agreed complaint resolutions arising from the informal procedure may be recorded and signed by all parties.

The HR/WHS Officer will file all documentation relevant to the complaint in the Complaints Folder located in the Human Resources office.

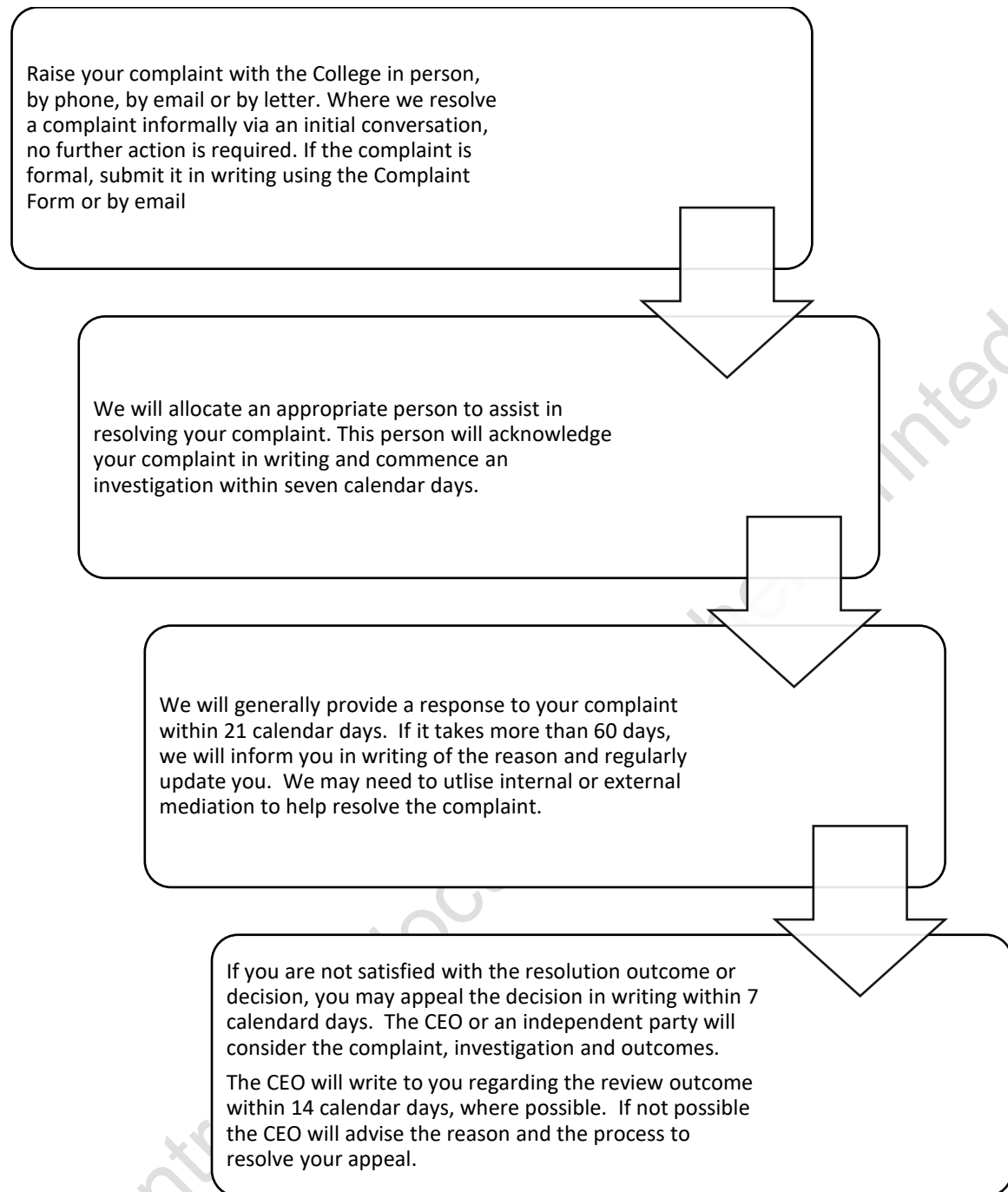
A record of any disciplinary action taken arising from a formal investigation will be placed on the personnel file of any disciplined person.

The College maintains a register of complaints showing details of the complaint, when received, the allocated investigating officer and resolution or outcome. This HR/WHS Officer maintains the register and provides information on formal complaints for inclusion in the College Report for each meeting of the Board of Directors.

6.3.8 Appeals

The process for requesting a review of a decision by an independent party is outlined in the following flow chart.

6.4 Complaint Reporting and Resolution Flowchart



Notes:

If the complaint is against the CEO or between the CEO and an Executive Staff member, the HR/WHS Officer will refer the complaint to the Chair of the Board. The Chair will determine an appropriate person to manage the matter as per complaint policy and guidelines.

You may lodge a complaint with the Australian Skills Quality Authority (ASQA) if:

- your complaint relates to related training and assessment services (vocational courses).
- you have made a complaint directly to the College, and
- our response does not resolve your issue, and
- you have requested an independent review of your complaint, and your issue is still not resolved.

6.5 Examples of Complaints Referral

Complaint type	Refer complaint to:
Accounts	Finance Officer or Accounts/Payroll Officer
Child Protection	CEO
Complaint against CEO or between CEO and Executive	Board Chair via the HR/WHs Officer
Complaint Review (appeal) request	CEO
Contractor Misconduct	Business Manager
Customer Service - College	CEO
Customer Service – RTO	RTO Manager
Discrimination, EEO, Harassment or Bullying	Assistant Principal (Student complaints) CEO or HR/WHs Officer (Staff complaints)
Student complaint regarding HSC subject	Assistant Principal
Student appeal against VET assessment decisions	VET Coordinator
Staff Misconduct	CEO
Teacher Accreditation	Teacher Accreditation Authority (ISTAA) via the HR/WHs Officer
Work Placement	Industry and Community Liaison Officer

7. Variation

The College reserves the right to vary this policy.

8. Reference Documents

Attachment 1 Complaints Process (Website)

Attachment 2 Complaints Form

Attachment 3 Supervisor/Manager Complaints Investigation Form

Bullying, Harassment, Anti- Discrimination and EEO Policy

Fair Work Act 2009

Hunter Trade College Enterprise Agreement, Clause 21 Disputes Procedure

Privacy Personal Information Policy

Procedural Fairness Policy

Registered and Accredited Individual Non-Government Schools (NSW) Manual

Standards for Registered Training Organisations (RTOs) 2015

Whistleblower Policy and Procedure

Workers Compensation and Injury Management Policy

Workplace Consultation Policy

Workplace Health and Safety Policy