



Complaints and Appeals Policy (Combined Grievance Procedure)

Definitions

This Complaints and Appeals Procedure is Westbourne College Pty Ltd.'s, Combined Grievance Procedure. To remain compliant with the *Standards for Registered Training Organisations 2015* and the *VET Guidelines 2015*, Westbourne College needs to make reference to a policy for 'Complaints and Appeals', herein taken to be our Combined Grievance Policy.

Purpose

This policy allows Westbourne College to manage and respond to allegations involving the conduct of:

- a) the RTO, its trainers, assessors or other staff;
- b) a learner of the RTO.

Note: Westbourne College does not enter into or have a third-party providing services on the RTO's behalf, its trainers, assessors, or other staff.

Anyone who wishes to lodge a complaint must follow this complaints process before making a complaint about the RTO to ASQA.

Outline

A complaint or grievance would generally be directed at Westbourne College for:

Academic Matters including:

- Student progress
- Assessment
- Course awards
- Training or administrative staff performance or conduct
- Suspension or removal from training

Non-academic matters including:

- Retention or release of personal information
- Harassment or bullying
- Discrimination
- Vilification
- Financial Matters
- Penalties
- General administration

This policy applies equally irrespective of the location of the incident or the campus at which the grievance has occurred, or the students place of residence or their mode of study. The policy will apply to all current and prospective students and Westbourne College trainers, assessors, or other staff.

Complaint and Grievance Process

This complaints and appeal processes follows the principles of natural justice and procedural fairness by allowing anyone subject to a decision by Westbourne College, or anyone who has allegations made against them, to tell their side of the story before a decision is made.



The process for complaint and appeals has a number of procedural steps that will occur in sequence, prior to any decision or outcome being finalised. You are able to speak with a staff member about your concerns and the staff member will complete any forms on your behalf if required.

Informal Management

Initially complaints should be discussed informally with the staff or trainers involved and the student lodging the grievance or where it concerns staff, between the staff member (s) involved and a relevant manager. Where possible disputes are managed and resolved informally and as expediently as possible. Confidential file notes will be recorded in the Student Management System against the parties involved and will be kept for at least 5 years. Staff members or students can be accompanied and assisted by a third party, being a friend or advocate to any relevant meetings during either the formal or informal grievance processes.

Formal Complaint – Stage One

If the complaint cannot be managed informally, then in the *first instance*, the student or staff member, or other third party, can submit a formal **Complaint** form. The form is available on the website or from administrative staff at reception. The form is to be addressed to the Business Manager, who will handle all complaints once they progress to this stage. The person making the complaint will be advised in writing by the Business Manager, that their complaint has been received; this will be done as soon as possible but not more than 48hours after receipt.

For the matters listed below, the Business Manager will act to address the complaint immediately:

- Sexual misconduct or sexually inappropriate behaviour from staff or students
- Comments and language involving inappropriate racist overtones
- Physical abuse
- Any matter that could be considered criminal in nature i.e. theft
- Plagiarism or cheating
- Bullying or harassment

The letter will advise that the Business Manager will make an assessment of the complaint, its nature and circumstances and the complainant has the opportunity to organise a time to come and meet with the Business Manager. The complainant is entitled to be assisted and accompanied by a third party, being a friend or advocate, to any relevant meeting.

Westbourne College conducts separate interviews with both the person making the complaint and the person the complaint is about (complainee), so at no point will you come into contact with each other unless mutually agreed. This also serves the purpose that the complainee has the opportunity to provide their account before any decision is made. If the complainant does not wish to take part in a meeting, then the Business Manager will still need to interview the complainee in line with natural justice principles and then will make an assessment of the grievance and determine an outcome. Whether the complainant attends a meeting or not, a written notice advising of the outcome will be provided within 10 business days.

If the complaint involves the Business Manager, the matter will automatically be referred to the CEO.

Stage Two – Internal Review (Appeal)

If the complaint process is unable to resolve the grievance and the complainant is not happy, they have the ability to lodge an Appeal. The Appeal can be lodged using the 'Appeal Form', available on the website or from administrative staff at reception. The Appeal will be heard by an Independent Senior Office of Westbourne College, being the CEO, and they will conduct an internal review in the *second instance*.

Again, to reinforce, complainants or complainees can be assisted and accompanied by a third party, being a friend or advocate to any relevant meetings with the CEO during the Appeals process or at any other meeting deemed relevant.



The person lodging the appeal will be advised in writing by the CEO that their appeal has been received; this will be done as soon as possible but not more than 48 hours after receipt. The determination will be fair and equitable, complete and unambiguous with no decision being made until the person making the appeal has had the opportunity to make their case and provide their story. The process and any consideration and determination will not victimise or discriminate against any person involved in the process. The person making the appeal will be provided with a written outcome on the internal review including the rationale for the decision. If the person is satisfied with the resolution, agreed actions will be implemented and the complaint or appeal will be closed. If for some reason the RTO requires more than 60 days to address the appeal and conduct the review, we will notify the parties involved in writing providing justification.

At this point, the decision and determination made by the CEO are final and this will be the position that Westbourne College takes in relation to the appeal and internal review.

Stage Three – External Review

In the *third instance* if the parties involved are still not happy with the written outcome of the appeal and internal review and the appeal remains unresolved, they have the right to seek an external review. Westbourne College has an agreement in place with an Independent third party, who will handle the unresolved grievance. The third party understands their role in the process and will make it as easy as possible for staff and students to access their Dispute Resolution service.

Westbourne College will utilise **Mediation Australia** at <http://www.mediationsydney.net.au/> as our external dispute resolution reviewer. Students simply need to call Mediation Australia by phone and say they are from Westbourne College and require access to the dispute resolution services.

Mediation Australia is located at:

Level 7, 91 Phillip Street, Parramatta NSW
Phone: 1300 267 267

Any cost associated with the external review will be met by Westbourne College.

Students also have the opportunity to lodge a complaint about the services provided by Westbourne College, through the National VET Regulator, ASQA. This can be done by going to <http://www.asqa.gov.au/complaints/complaints.html> .

Address for Complaints and Appeals

Complaints or Appeals should be lodged on the relevant Complaint or Appeal Form located on the Westbourne College website or available in hardcopy from the Westbourne College administration staff. Once complete the forms should be sent by post to:

The Business Manager
WESTBOURNE COLLEGE
20 Menai Road,
Woronora, NSW 2232

Record Keeping

A record of all complaints handled under this procedure and their outcomes will be scanned and maintained in electronic format. A copy of any Complaint or Appeal Form will also be scanned and stored. These records will be treated with the utmost confidence and privacy and details will not be discussed or disseminated, other than among the parties involved.



Access to these files and or the provision of a copy of the information after the process has been completed, can only be made in writing to the CEO and only after the identity of the person requesting information has been established.

Ratification, Review and Recommendation

Westbourne College agrees to be bound by the recommendations arising from the external review of the appeal and initial complaint and the CEO will ensure that any recommendations made are implemented within 30 days of receipt of the recommendations.

Westbourne College administrative staff and trainers have to read the Policy and Procedure and Trainers Manuals as a condition of employment and sign documents to that effect. Both policy documents contain this information so there is no ambiguity about it being conveyed to staff. On induction and bi-annually at staff validation and moderation sessions, the process is reviewed and demonstrated.

Publication

This combined Students Complaints and Appeals Policy (Academic and Non-academic) will be made available to students and prospective students through publication on our website and in the Student Handbook. Additional copies can be sourced from the Westbourne College main office administration staff or by emailing admin@westbournecollege.edu.au

Approval

This Policy and Procedure was agreed to and ratified by the Westbourne College CEO on 23/01/2022.