

Complaints and Appeals Policy

1. Purpose

The Gordon Institute of TAFE (The Institute) is committed to the provision of high quality and rewarding education and training, and associated services. The Institute is dedicated to a positive customer experience. This includes working to resolve dissatisfaction, concerns or complaints in accordance with relevant legislation, our values and best practice principles.

We encourage prompt resolution of customer dissatisfaction by addressing it immediately through discussion with the relevant Manager of the area concerned. This frontline approach aims to resolve issues quickly before resorting to formal complaint and appeal procedures, which typically take longer.

The complaints and appeals process allows for escalation and independent review of concerns. However, from time to time stakeholders send concerns directly to the CEOs office, stakeholders should be aware these complaints are registered and managed as outlined in this policy. As with key regulators in the VET sector who only consider a complaint if you have already accessed the Institute's Complaints and Appeals processes and not had your issue satisfactorily resolved, the Institute's CEOs office applies a similar principal to complaint and appeal management and has oversight and receives reports of significant issues.

2. Scope

This policy applies to all customers of The Institute's services including but not limited to our students, prospective students, employers of our students, or those who access other non-educational services provided by The Institute. The dissatisfaction with the Institute may be in regard to teachers, other employees, volunteers or any third-party providing services on behalf of the Institute or its employees, or any of our services including online services.

Dissatisfactions, grievances, concerns or formal complaints may involve, but are not limited to:

- The conduct of our teachers or other employees including those contracted by the Institute.
- A student of The Gordon when they can be reasonably expected to be under our duty of care (e.g. in class, working in our clinics or restaurants, on practical placement etc).
- The quality of an action taken, decision made or service provided by the Institute or a third party (contractor).
- A delay or failure in providing a service, taking an action or deciding by the Institute or its contractor.
- Academic issues (e.g. course selection, teaching resources, training delivery, assessment, awards etc).
- Non-academic issues (e.g. fees, charges, facilities, personal information held, other services etc).
- Allegations of misconduct or abuse of a child under 18 by an employee member, contractor or volunteer that are in breach of Child Safe Standards.
- Allegations of neglect, abuse or misuse of an animal in the delivery or assessment of our courses.

Exclusions:

- For employment related complaints, disputes or grievances employees should refer to the *Employee Grievance Procedure SHRD PR 23*.
- For protected disclosures and IBAC Mandatory Notifications refer to the *Protected Disclosure Policy SHRD PR 17* and *IBAC Mandatory Notifications Policy SHRD PO 41* respectively.
- Note that in general complaints about students will be managed in accordance with our *Student Conduct Policy RISK PO 08*.

3. Procedure

The *Complaints and Appeals Procedure RISK PR 09 documents* how to comply to this Policy.

4. Policy overview and principles

The Gordon is committed to the achievement of excellence through client satisfaction. This policy is based upon the following principles:

- All complaints shall be addressed equitably and in accordance with this policy and regulatory obligations.
- Anyone who has been affected by a decision or action (including a failure to decide or act) can make a complaint and people with a range of needs can submit a complaint. Our employees will actively assist the complainant to navigate the complaints process
- Complaints are dealt with courteously, impartially and are assessed on their individual merit.
- There is no detriment, discrimination or adverse effect to people who complain. The Gordon will ensure a student's enrolment or enrolment application is not suspended, deferred or cancelled whilst any investigation of a complaint is being undertaken, or an appeal considered.
- The complainant will be kept informed whilst the complaint is being investigated and actioned, additionally the complainant will be advised of their required level of involvement, the anticipated timeframes and the possible outcome of their complaint, where practicable.
- The substance of a complaint will dictate whom is assigned to investigate and the level of resources dedicated to it. The Gordon considers and respect human rights.
- Our employees are not expected to tolerate complainant behaviour that is offensive, abusive, threatening or which consumes disproportionate resources. In these circumstances or where there is unreasonable conduct The Gordon will respond to the complainant appropriately.
- Any person who requires assistance to submit a complaint may request that another person assist or represent them in making or progressing their complaint. The Institute will accept complaints from such representatives, where they have been officially authorised on another person's behalf. The Institute will not discuss complaints or matters relating to studies with parents/carers involving students aged 18 years and older, unless a signed authority is submitted by that student. That person's authority will need to be verified and where personal information is involved, refer *Information Release Consent for Information of a Personal or Sensitive nature RM FO 06.02*.
- Anonymous complaints may be accepted and responded to at the discretion of the receiver, provided there is enough information to do so. An anonymous complaint may be less effective however as it may not be practical to investigate the complaint if a person cannot be contacted, or their identity cannot be disclosed.
- Our employees are entitled to be treated respectfully if a complaint is submitted about them. Subject to any legislative restrictions (e.g. Protected Disclosure Act 2012) our employees are entitled to be informed of complaints made about them and be given an opportunity to respond to the complaint. Protected Disclosures will be managed by our Protected Disclosure Coordinator
- To effectively manage a complaint, it is vital that those against whom a complaint has been made are given full details of the complaint before they are interviewed.
- Complaints and appeals shall be dealt with in a timely manner and within achievable deadlines for each stage of the resolution process.
- Confidentiality is essential in all aspects of the initiation, resolution and recording of complaints, consistent with Institute standards and statutory requirements.
- During complaint resolution or appeal processes both the complainant and respondent may be accompanied and assisted by a support person at any time throughout the process.
- The complainant and respondent shall be informed of the status of and progression of the resolution processes consistent with confidentiality and privacy standards.
- Where a complainant is not satisfied with the outcome of a complaint they are entitled to seek an independent review on procedural or substantive grounds.

These policies and the related procedures do not in any way negate an individual's right to refer a complaint or appeal to any external agency or statutory authority.

5. Complaint process

If frontline resolution cannot satisfactorily resolve an issue, or a concern is not easily resolved (i.e. it is complex, serious or systemic) or the complainant is still aggrieved, a formal complaint may be submitted.

A complaint must be lodged in writing to The Gordon's [Risk, Safety and Wellness](#) office. The Gordon's *Complaint and Appeals Form RISK FO 09.01*, entered into *Myosh* by an employee or submitted via the Complaints page on the Student portal. The complainant should provide the following information for complaints to be reviewed and addressed effectively:

- Identify themselves and provide contact information.
- Clearly identify the concern and define the matter.
- Provide all relevant information available at the time.
- Articulate their desired outcome.
- Promptly respond to any requests for further information.

The Gordon's Risk, Safety and Wellness Office will acknowledge the receipt of the complaint within two working days and notify the complainant of the reference number, as well as the name and contact details of the person who will be reviewing or investigating the complaint.

The Relevant Responsible Manager for the program area will investigate the complaint (or higher position if the Manager is a respondent to the complaint), unless the issue covers a number of areas in which case the Risk, Safety and Wellness Office will nominate an appropriate Manager.

A complainant may be requested to attend a meeting to discuss their complaint; students may be accompanied and assisted by a support person who is not a legal practitioner in any relevant meetings with The Gordon.

For international students commence the assessment of the complaint within 10 working days of it being made.

The Relevant Responsible Manager reviewing the complaint will provide the complainant with a formal response as to what actions are proposed to resolve the concern, including anticipated completion dates and action owners. Generally, this response will be within 20 working days and The Gordon aims to resolve complaints within 60 calendar days. Where the complaint review may take longer than 60 days the complainant will be notified of the timeframe and the reason for the delay.

Complainants will be provided with regular updates whilst the complaint is being investigated and actioned.

6. Supporting principles

6.1 Frontline resolution

In the first instance resolution between the parties concerned should be attempted at the source via discussion and mediation (where appropriate). The complainant is entitled to have a support person, who is not a legal practitioner in attendance in any meetings during this discussion and mediation process. Where legal representation is requested by the complainant and the Relevant Responsible Manager has agreed to the complainant being legally represented, The Gordon may also be legally represented.

6.2 Timeframe for lodging a complaint

In the case of complaints about results, assessment and requests for special consideration, where frontline resolution has not resolved the complaint, students are expected to submit complaints within 10 working days of being notified of the result.

International students are advised of their right to appeal within 20 working days.

In the case of any other formal complaints, complainants are expected to submit complaints within 12 months of the event occasioning the complaint.

The Gordon may allow a longer period or consider a complaint of an historical nature in exceptional circumstances.

6.3 Withdrawal of a complaint

At any time during the resolution process a complainant may withdraw the complaint which will conclude the matter and it will be deemed as being resolved. Any withdrawal of a complaint must be in writing to the [Risk, Safety and Wellness](#) Office.

6.4 Anonymous complaints

Anonymous or unidentified complaints will be investigated at the discretion of The Gordon depending upon the nature of the complaint, there being sufficient information for an investigation, or there being a statutory requirement for investigation. The Gordon will not send a response to an anonymous complainant on the investigation process or outcomes.

7. Grounds for appeal against formal investigation outcomes

7.1 Appeals process

Examples of grounds for appeal include:

- Employees have not acted fairly or have demonstrated improper, negligent or irregular conduct during the handling of the complaint or in making a decision
- Policies and procedures have been ignored or applied inconsistently
- Decisions have not been made in a timely manner
- A decision has been made without sufficient consideration of the facts or evidence of consideration for the complainant
- A penalty that is deemed to be too harsh

These examples are provided for guidance. They are not made to limit the circumstances which gives rise to a complaint or appeal.

Where a complainant is not satisfied with the resolution of a complaint process, assessment decision or sanction relating to academic progress or attendance then he/she is entitled to lodge an appeal.

The Institute's appeal process provides an internal avenue for review of the complaint outcome by an employee other than the original decision maker.

Appeals must be lodged within ten working days of written notification of the outcome of a complaint, notification of the outcome of an assessment, academic progress or attendance sanction. In exceptional circumstances The Gordon may allow a longer period.

If an international student is not successful in the complaints and appeals process, the student will be advised within 10 working days of the internal review concluding, of the right to access an external complaint handling and appeals process at minimal or no cost. The student will be provided with the contact details of the appropriate complaints handling and external appeals body.

All appeals must be lodged in writing with The Gordon's [Risk, Safety and Wellness](#) Office. Appeals should be on or attached to a *Complaints and Appeals Form RISK RD FO 09.01* or entered through the Complaints and Appeals tab on the student portal.

When lodging an appeal, the appellant should:

- Identify themselves and provide contact information.
- Clearly state what decision the appeal relates to, including as reference number from their complaint.
- Define the grounds for appeal.
- Provide all relevant information available at the time.
- Articulate the desired outcome.
- Promptly respond to any requests for further information.

Assessment appeals will be facilitated by the Relevant Responsible Manager (unless they were the original assessor) in consultation with an independent qualified assessor.

Complaint appeals will be referred to the Chief Executive Officer or delegate and will be conducted by an Internal Appeal Panel.

The Gordon will notify the appellant in writing within two working days of the name and contact details of the person who will be reviewing the appeal.

For international students commence the assessment of the appeal within 10 working days of it being made. The Gordon will review the appeal **within 30 days**. Where it will take longer than 30 days the appellant will be notified in writing of the expected timeframe and reason for the delay.

The appellant will be provided with regular updates, whilst the appeal is being reviewed.

7.2 Internal appeal panel

The Chief Executive Officer or delegate will establish an independent appeal panel, consisting of individuals who have had no prior dealings with the preceding issue. The appellant will be notified of the members of the appeal panel in writing.

The appellant is entitled to address the appeal panel or have an advocate to do so. The appellant has the right to have a support person who is not a legal practitioner at any meetings relating to the appeal. Where legal representation is requested by the appellant and the Chair of the panel has agreed to the appellant being legally represented, The Gordon may also be legally represented.

Normally the appeal proceedings should be limited to a further **ten working days**, however in some cases, particularly if the matter is complex, the resolution may take longer, in which case the appellant will be advised of an extended timeframe and will be kept informed by the panel chair as to progress.

The appeal panel will make a ruling to decide the outcome of the appeal. This will be formally communicated to the appellant in writing.

8. External Review

Complainants are entitled under Australian law to seek a review of their complaints with The Gordon to external agencies and regulatory authorities. It should be pointed out that generally most external agencies expect the complainant to access internal complaint resolution and appeals processes before accepting a case. This generally means that appeals to external agencies should be a last resort.

9. Responsibilities

Position	Responsibility / Governance
Risk and Compliance Committee	Reviews and endorses the Complaints and Appeals policy and formally ratifies its publication Has oversight of the complaints and appeals processes
Risk, Safety and Wellness Manager	Manages and monitors the complaint and appeals system on behalf of The Gordon
Relevant Responsible Manager of the area	Facilitates support employee and have delegated authority to problem solve, monitor complaint investigations and any ensuing outcome/advice or other role in accordance with the complaint management policy and procedure
All other employees	Assist with facilitating frontline resolution of issues. Comply with the complaint management policy and procedure

10. Definitions

The following terms and abbreviations are specific to this policy:

Name	Description
Complainant	Any student, potential student, employer of a student or customer of The Institute who has lodged a formal complaint with The Gordon via its complaints process as described in this policy.
Frontline Resolution	Any student, potential student, employer of a student or customer of The Institute who has lodged a formal complaint with The Gordon via its complaints process as described in this policy.
Formal Complaint	Any documented concern sent to the Risk, Safety and Wellness Office, raised by a student, potential student, employer of a student or customer of The Institute or someone acting on their behalf with consent that has not been resolved via Frontline resolution.
Appeal	A formal notice lodged with the Risk, Safety and Wellness Office requesting the review of a decision that has been made and communicated to a customer or complainant.
Relevant Responsible Manager	The Institute representative to whom the responsibility for leading the complaint review and feedback process has been assigned.

11. Key Aligned Internal Documents

Refer to the [Operational Management System \(OMS\)](#) for copies of all policies, procedures and supporting documents. Also refer to Myosh.

Complaints and Appeals Management Procedure RISK PR 09

Complaints and Appeals Form RISK FO 09.01

Student Conduct Policy RISK P0 08

Student Misconduct Management Procedure RISK PR 08

Employee Grievance Procedure SHRD PR 23

Protected Disclosure Procedure SHRD PR 17

IBAC Mandatory Notifications Policy SHRD PO 41

12. Key Aligned Legislation / Documents

[Education and Training Reform Act 2006](#)

[Standards for Registered Training Organisations \(RTOs\) 2015](#)

[VET Student Loans Act 2016 and the corresponding VET Student Loans Rules 2016](#)

[Education Services for Overseas Students Act 2000](#)

[Charter of Human Rights and Responsibilities Act 2006](#)

[Freedom of Information Act 1982](#)

[Privacy and Data Protection Act 2014](#)

[Independent Broad-based Anti-Corruption Commission Act 2011](#)

[Public Interest Disclosures Act 2012](#)

[Child Wellbeing and Safety Act 2005 \(Child Safe Standards\)](#)

13. Review and Approval

Business Process Owner	Manager of Risk, Safety and Wellness		
Endorsed by (if applicable)	Not applicable	Endorsed Date	
Approved by (if applicable)	Risk and Compliance Committee	Approved Date	21 August 2024
Review schedule	This policy will be reviewed every 3 years (or earlier as required)		
Date of next review	21 August 2027		

Minor Structure changes outside of Review schedule		
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