

Grievances, Complaints and Disputes Policy & Procedure (P21)

Purpose

This policy covers the obligations of the Australian Institute of Flexible Learning (AIFL) to have clear policies and procedures for dealing with issues that arise that may be grievances, complaints or disputes. The policy and procedure should guide the action taken by the Registered Training Organisation (RTO) to handle a situation in a fair and expedient manner so that resolution is achieved quickly.

Scope

This policy extends specifically to grievances, complaints and disputes that are brought to the attention of the manager or staff of the AIFL. The aggrieved person or their representative has the option of presenting the grievance, complaint or dispute in writing to the General Manager of the AIFL. Once this is done, the RTO General Manager will record the matter as a grievance/complaint and commit to dealing with the matter.

Matters presented verbally or through third parties may also be considered suggestions for improvement and will be dealt with accordingly.

Nothing in this procedure overrides any state or national law or regulation.

Distribution

This policy is to be made available to all AIFL staff for information. Clients and staff will be advised of the policy through induction processes and materials and the policy will be available in the Policy and Procedure Manuals. This policy must be filed with other AIFL policies and procedures. A register of Complaints, Grievances and Disputes against the AIFL will be kept by the organisation. Aggrieved person's details and the nature of their grievance should be kept confidential.

Procedure

As it is a requirement of the AQTF07 Standards for RTOs to have policies and procedures for dealing with grievances, complaints and disputes it is important that this procedure is clearly understood and followed. Staff not certain of the process should immediately contact the AIFL General Manager for advice and guidance should a client or third party make it known that they have a grievance.

All information regarding the grievance should be recorded in writing and held by the AIFL as evidence of dealing with the issues presented by the aggrieved.

Principles

Natural Justice Principles: The principles of natural justice that decision-makers under this policy must follow can be broadly summarised as follows.

- All parties to the grievance/ dispute/complaint, including the respondent(s), shall have the right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.
- All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed to all parties to the grievance/dispute/complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.
- The decision maker/s shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or personal involvement in the matter of the complaint.

In addition to these principles of natural justice, there should be no undue delay in responding to disputes/grievances/complaints and all parties under this policy shall have the right to a representative of their choice.

Step 1

On official notification of a grievance, if a student or client presents with an issue that they consider is a grievance/complaint/dispute against the AIFL or a member of staff acting on behalf of the AIFL, the matter should be recorded without delay by the RTO General Manager. If the matter presented is an issue that may be a breach of law or regulation, the staff member should ensure that they seek urgent advice and direction on how the matter is to be handled from the RTO General Manager.

Step 2

On receipt of a written or verbal grievance/complaint, the General Manager will make note of the receipt date, time, issue and aggrieved person. The General Manager must consider the matter to see that it falls within the guidelines for a grievance and reply in writing to the aggrieved with reasons for the decision made within seven days. Contact may be initially in person or verbally. A written response should follow with reasons for the decision and made within the seven day period.

Step 3

The General Manager will notify the relevant staff and offer an opportunity for the aggrieved to further explain the situation and the damage or hurt caused, planning a meeting to deal with the matter within seven further days, identifying who will represent the organisation and how the aggrieved should present their case. The AIFL provides access to external expertise with a sessional conciliator available on request. The purpose of this meeting should be to attempt to resolve the issue or issues as expediently as possible and to both party's satisfaction.

Step 4

Should the matter be concluded to each party's satisfaction, a joint sign-off of the matter should take place and the letter recorded with the original complaint.

Should the matter not be resolved by meeting and discussing the issue and if it is determined that either party cannot accept a resolution offer then the matter must be referred on. There are a number of ways this can occur. Both parties may wish to bring an arbitrator to the situation to give a third opinion. Both parties may agree that they will accept the decision of the third independent person. If so the matter may be finalised at this point.

Step 5

Should the matter not be resolved to the satisfaction of the aggrieved, they should be advised to seek their own legal advice, or to contact the State Education Authority, OTTE, with their matter. The matter may come within the Standards for RTOs and therefore be able to be dealt with at that level.

Closure

At the completion of any matter, the AIFL will consider its handling of the matter and identify any issues it should address in the future to prevent re-occurrence. The matter may be an opportunity for improvement for the RTO.

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Responsible Officer / Dept:	Date for Review:	Computer File Location:
Q&A Manager	10/12/2011	Data/RTO/Policies & Procedures (current)
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3.0	11/04/2004	
Other Relevant Policies / Procedures:		
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