

Objective:

Purpose

This policy provides a framework for current, former and prospective participants to seek resolution of complaints and grievances relating to aspects of their experience or engagement with Workforce Plus and its partner Management Governance Australia (MGA). This process aims to ensure a consistent, coordinated and supportive approach that prioritises fair and reasonable complaint resolution for participants of Workforce Plus and MGA services.

Overview

The objective of this policy is to:

- establish a transparent participant complaint handling system
- ensure staff handle participant related complaints fairly and objectively
- ensure a consistent, coordinated and supportive approach that prioritises fair and timely complaint resolution across Workforce Plus and MGA, without reprisal.

Scope:

This policy provides the framework for current, former and prospective participants to seek resolution of complaints relating to:

- administrative processes or decisions of Workforce Plus and MGA, or
- actions by staff, participants, contractors and affiliates of Workforce Plus and MGA.

This policy does not apply to:

- any decision made under another policy or associated procedure which provides an appeal, review or alternative complaint mechanism; where such mechanisms exist, complaints lodged under this policy can only be made regarding the process that was followed, and not the final decision by Workforce Plus and MGA or external organisation.

Policy Statement:

1. Policy

1.1. Workforce Plus is a customer focussed organisation and is committed to obtaining the best and most appropriate outcome in the event of a complaint or a grievance. Every effort will be made to address the complaint or resolve the grievance according to the steps set out in this document whilst protecting the confidentiality of all parties involved.

1.2. Participants are advised of their right to make a complaint or lodge a grievance in their handbook and general information is available on the Workforce Plus website and through information provided by Workforce Plus staff. All participants are able to access this policy and procedure on dKnet on request.

This document sets out the processes for making a complaint and lodging a grievance together with the steps that will be taken by Workforce Plus to address the issues and work

towards an agreed outcome that satisfies all involved parties.

1.3. All complaints are considered on their merits, on the basis of evidence relevant to the complaint and any mitigating circumstances and managed in accordance with principles of procedural fairness.

1.4. Workforce Plus's preferred approach to the resolution of complaints is, wherever possible, informal, without conflict and seeks outcomes that are fair and reasonable to all parties.

1.5. Workforce Plus supports the welfare of its participants who are a party to a complaint: participants wellbeing services are available should the participant wish to access them.

2. Principles for complaint resolution

2.1. Workforce Plus is committed to:

- a)** Resolving complaints quickly, effectively, sensitively and fairly within the resources available.
- b)** Maintaining a culture that promotes participant wellbeing by valuing and supporting an individual's right to complain
- c)** A non-adversarial and conciliatory approach to complaint resolution
- d)** Responding promptly, equitably and with sensitivity to complaints
- e)** Ensuring no party to a complaint will be unfairly disadvantaged or face discrimination or reprisal by engaging in good faith with the complaints process
- f)** Providing transparent processes and accuracy of records
- g)** Promptly disclosing any actual or potential conflict of interest by all parties
- h)** Reporting allegations of misconduct by staff or participants to external authorities such as the police or another government agency where appropriate, and
- i)** Acting on, learning from and using feedback and complaint data to identify problems, improve services, and address underlying causes and trends to prevent reoccurrence.

2.2. Complaints will be:

- a)** Considered in accordance with the procedure applicable under this policy.
- b)** Assessed and managed in a professional, fair and transparent manner in accordance with the principles of procedural fairness
- c)** Managed with a focus on resolution, with all parties to a complaint expected to act in good faith and show respect for each other
- d)** Handled in accordance with the Workforce Plus's Privacy Statement, privacy laws and other relevant legislation
- e)** Assessed on their merits, based on evidence relevant to the complaint and any mitigating circumstances.

2.3. All parties to a complaint:

- a)** are expected to act in good faith, maintain a fundamental respect for each other

and focus on satisfactory and timely resolution.

b) will not be unfairly disadvantaged or face discrimination as a result of engaging with the complaints process.

3. Complaints that allege:

3.1. Employee misconduct will be assessed and may be used by Workforce Plus to initiate employee disciplinary proceedings.

3.2. Student misconduct will be assessed and may be used to initiate student disciplinary proceedings.

3.3. Some complaints may allege misconduct by an employee, student or participant of a type that Workforce Plus is required to report to external authorities, such as the police or other government agency. Employees, students or participants may also notify external agencies of conduct of which they have complained to Workforce Plus. Under these circumstances, Workforce Plus will maintain its commitment to resolve allegations of misconduct and, where appropriate, initiate the relevant conduct process. Workforce Plus will, in any event, avoid by its own investigations compromising or undermining investigations by government agencies such as the police.

4. Step 1 - Concerns

4.1. If a participant has a concern, they may talk to, or write a simple email to:

4.1.1. their class teacher, trainer or worker; or

4.1.2. a member of the Services team or Area Manager, about their concern.

4.2. Employees are expected to work with the participant to find a timely resolution that is satisfactory to all parties. Class teachers, trainers or workers should seek advice from their team leaders.

5. Step 2 Formal Complaint

5.1. If a participants concern cannot be resolved in Step 1, the participant may make a formal complaint in writing using the Workforce Plus and MGA participant Complaint Form.

5.2. The form must be submitted through the Feedback section on the Workforce Plus website www.workforceplus.com.au

5.3. The complaint will be referred for investigation and resolution by the responsible Area manager/s.

5.4. The responsible manager or their delegate(s) may make an appointment to discuss the matter with the participant within 10 days of receiving the complaint.

The participant may bring a support person to any meeting and will be made aware of this.

5.5. The responsible manager or their delegate(s) will notify the participant as soon as practicable in writing via email of the details of the complaint resolution including the decision made, and reasons for the decision.

6. Step 3 - Internal Review

6.1. If a participant is not satisfied with the decision of formal complaint in Step 2, the participant can request a review of the decision by the Chief Executive Officer (CEO) on any of the following grounds:

- there was evidence that Workforce Plus did not follow this process properly;

- there is new, relevant evidence that was not available when the written complaint was made; or
- no reasonable decision maker would have made the decision (for example, the responsible manager failed to consider significant factors during the process)

6.2. The request for review is made by submitting a completed Workforce Plus Complaint Internal Review form through the Workforce Plus website www.workforceplus.com.au

6.3. The CEO will consider the review request and make a decision as soon as practicable. The CEO may request to meet and discuss this matter with the participant. The participant may bring a support person to any meeting and will be made aware of this.

7. Step 4 - External Review

7.1. If a participant is not satisfied with the decision of the internal review in step 3, or believes that Workforce Plus has not responded within a reasonable timeframe:

7.1.1. If the participant is not a student visa holder, they may contact the following organisations for an external review of their complaint:

- Tertiary Education Quality and Standards Agency
- T: 1300 739 585
- E: complaints@teqsa.gov.au
- W: www.teqsa.gov.au

- Consumer Affairs Victoria
- T: 1300 558 181
- W: www.consumer.vic.gov.au

- Australian Competition and Consumer Commission
- T: 1300 302 502
- W: www.accc.gov.au

7.1.2. For student visa holders, the student may submit an external complaint to the Overseas Student Ombudsman. The Ombudsman will try to determine whether a student has been treated reasonably and may recommend remedial action if that is appropriate. The process is available at minimal or no cost to the student.

8. Additional information

8.1. A student's current enrolment is maintained while a complaint or review process is conducted. This means that a student can and is encouraged to continue to attend classes and arrangements may be made to ensure that a student is not disadvantaged in any way by undertaking this process.

8.2. A written record is kept on the participant's file of any complaint, notes of meetings held, statement of outcome and reasons for the outcome. This record is confidential and handled in accordance with Workforce Plus Privacy Policy.

9. Support for complainants and respondents

9.1. Workforce Plus is committed to:

- a)** The provision of a no-cost complaint resolution process
- b)** Providing access to independent advice, advocacy and other supports where required and applicable
- c)** Ensuring the safety and welfare of all parties to a complaint by acting to remove participants or staff from the campus or workspace during an investigation where there are concerns about safety
- d)** Balancing the right to confidentiality against the principles of procedural fairness by not unnecessarily disclosing the identity of the complainant or witnesses to the respondent where this may constitute a risk to safety.

10. Complaint outcome and review

10.1. Workforce Plus will:

- a)** Provide detailed and timely determinations in writing
- b)** Act promptly to implement outcome and review decisions
- c)** Be accountable internally and externally for its decision making and complaint handling performance
- d)** Notify complainants of their right to seek an independent and impartial review of decisions
- e)** Ensure that reviews are conducted by a case manager who has not had any involvement with the original complaint and investigation
- f)** Retain records in accordance with the Workforce Plus Privacy Policy and Information Governance Policy.

11. Responsibilities

11.1. The Chief Executive Officer (CEO) is responsible for:

- a)** The review and approval of this policy, Complaints & Grievances - Participants and Students and supporting documents
- b)** Monitoring high risk participant, student and student-related complaints
- c)** Addressing unreasonable conduct by complainants, witnesses and respondents
- d)** Authorising notifications to external authorities, including mandatory reporting
- e)** Reporting of trend and complaint analysis
- f)** Monitoring compliance with this policy
- g)** Identifying opportunities for continuous improvement.

11.2. The CEO is responsible for the review and approval of the Complaints & Grievances - Participants and Students Procedure for Workforce Plus.

11.3. Workforce Plus is responsible for:

- a) Providing processes that enable a consistent, coordinated and supportive approach to participant, student and student-related complaint investigation and resolution
- b) Participant, student and student-related complaint case management, notification of outcomes, records and outcome reviews.

11.4. Staff are responsible for:

- a) Providing Complaint case managers and Workforce Plus with local information in a complete and timely way to support resolution of participant related complaints
- b) Immediate implementation of a required complaint outcome or review determination.

11.5. All parties to a participant complaint must abide by the expectations under this policy, and the Code of Conduct.

12. Compliance

12.1. Breaches of this policy by a staff member will be managed in accordance with the Code of Conduct.

12.2. Breaches of this policy by a participant (including any malicious or vexatious complaints) will be managed in accordance with the participant or Student Code of Conduct Policy.

13. Review

13.1. This policy will be reviewed at least once every three years in accordance with the Policy Governance Framework.

14. Definitions

Advocate

Provides information and advice to a complainant or respondent and speaks on their behalf.

Affiliates

Contractors, agents, work integrated learning (WIL) providers and partners providing services on behalf of the Workforce Plus.

Complainant

The party submitting a complaint. For the purposes of this policy, a complainant is a student (current, former or prospective).

Complaint

Advising dissatisfaction with:

- a decision, action or failure to act
- a delay in providing a service or taking action
- the behaviour of an employee, worker, student or affiliate of Workforce Plus.

Feedback, concern or enquiry

An evaluation, comment or request for information about an action, process or service provided.

Participant

A person in receipt of a Workforce Plus service.

Respondent

A party about whom a complaint is made.

Support person

Provides wellbeing support to a complainant or respondent and may assist with interpretation, writing down planned actions and suggesting breaks during meetings.

Process Steps:

Responsibilities Links

1 Complaints and Grievances

Workforce Plus accepts complaints from students and participants as part of its' commitment to ensuring quality of programs, compliance with all relevant standards and participant satisfaction.

When making a complaint:

Students/Participants can make their complaint by verbal or written communication. This may be done in person, by telephone, letter, email or by completing a Complaint Form. MGA staff who receive a verbal complaint should record it on the Complaints Form. Written or email complaints should have a Complaints Form attached which then can be used as a record of actions taken to address the complaint once it has been referred to the relevant person.

If a Student/Participant is using the Complaint Form to register their complaint, they can present it to an MGA staff member (eg. a receptionist) who will then forward the form to the relevant Executive Officer, Manager or Program Coordinator

(MA) Team Leader

(MA) Job Coach

2 Workforce Plus Response to a Complaint

Every effort will be made by Workforce Plus staff to address the complaint at the earliest opportunity. On receiving the written complaint the relevant Executive Officer, Manager or Program Coordinator will:

- o Attach a Complaints Form if the complaint is a letter or email
- o Make a follow-up phone call to the complainant within five (5) working days of receipt of the complaint. If the complainant did not use the Complaint Form they should be asked at this point what their suggestions for improvement are and responses should be recorded on the form
- o Investigate the circumstances that led to the complaint being

made.

- o Identify what actions may be taken to address the issue. Consideration must be given to the solutions proposed by the complainant on the Complaint Form to assess whether or not they are achievable and appropriate.

Depending on the nature of the complaint the Staff member will:

- o Acknowledge the receipt of the complaint within five (5) working days and advise the Student/Participant that the complaint is currently being addressed. This may be done by telephone (record the conversation), email or mail
- o If the nature of the complaint means that it can be resolved quickly the Staff member will advise the Student/Participant at the earliest opportunity of actions that have been undertaken to solve the problem
- o If the complaint is of a more complicated nature, the Staff member may elect to meet with the Student/Participant to discuss options for resolving the complaint

NOTE:

Students/Participants over the age of 18 years are welcome to invite a support person to attend any meetings if they wish, however, in the event that the person who lodged the complaint is under 18 years of age it is compulsory for a parent/s, legal guardian or an adult advocate attend all meetings between that person and Staff.

- o In the event that the complaint is still unresolved, the relevant Staff member will refer the complaint to their Manager or to the Chief Executive Officer who will determine the next course of action
- o It is essential that the Student/Participant is kept informed throughout the process, that all correspondence is retained and all actions are recorded

Once the complaint has been addressed and satisfactorily resolved:

- o The Staff member will provide written confirmation within five (5) working days that the complaint has been resolved
- o Finalise the Customer Complaints Form and attach any other documents including letters and emails to the form
- o All documents will be forwarded to the Manager for Quality and Compliance for storage

The Manager for Quality & Compliance will record the complaint and the outcome on the Workforce Plus Complaints Register

3 First steps towards resolving the grievance

Every effort must be made to address the grievance in an informal manner through discussions between the student and the trainer. If the grievance involves a trainer, the student with the grievance should discuss the matter with the relevant Program Coordinator. If resolution is not achievable at this point, the Program Coordinator should refer the grievance to the Executive Officer who will take further steps to resolve the grievance. If the matter still cannot be resolved the Executive Officer will commence the formal processes of

(MA) Senior
Project Manager

this procedure.

At this stage both parties (the student or the participant and the Workforce Plus staff member) will be asked to write formal letters which address the reasons for the grievance. These letters will be given to the relevant Executive Officer.

Commencing formal processes

If the grievance cannot be resolved informally, the student or participant will:

- o Advise the relevant Executive Officer of their intention to lodge a formal grievance complaint
- o Set down the details of the grievance in writing
- o Forward this document to the relevant Executive Officer within five (5) working days of the last informal meeting.

The Executive Officer will:

- o Provide written acknowledgement of receipt of the formal grievance to the student or participant within five (5) working days.
- o Inform the person against whom the complaint has been made, in writing, that the formal grievance procedure has been implemented
- o Request that person to submit in writing, their version of the grievance within five (5) working days.

4 Formal meetings

After receiving the formal letters from both parties, the Executive Officer will:

- o Arrange a mutually convenient meeting time for the complainant, the person against whom the complaint has been made and the relevant Executive Officer to discuss the issues. This meeting should take place as soon as is practicable but no later than seven (7) working days.
- o The Executive Officer will make a written record of the meeting and this will be signed by all parties at the conclusion of that meeting. This record should:
 - o include details of any negotiated strategies for resolution of the grievance
 - o set timelines for any actions to be taken to resolve the grievance and identify who is responsible for those actions
 - o set a date for a follow up meeting at an agreed time in the future

NOTE:

Students over the age of 18 years are welcome to invite a support person to attend any meetings if they wish, however, in the event that the person who lodged the grievance is under 18 years of age it is compulsory for a parent/s, legal guardian or an adult advocate to attend all meetings between that student and MGA staff once the formal processes have commenced.

In the event that a solution is not able to be achieved at this level, the following steps should be taken:

- o The Executive Officer will refer the matter to the CEO. Depending on the nature of the grievance, the CEO may refer the matter to the

board of Management.

o The Board of Management will create a Grievance Committee. The Grievance Committee should consist of people who have sufficient skills, knowledge and understanding of the purpose of the interview and will include:

An independent chairperson agreed to by all parties

A nominated Executive Officer

Nominees for both parties involved in the grievance

The Grievance Committee will review the documentation from previous meetings and:

o Develop a set of questions that are relevant to the grievance to be used when interviewing both parties

o Decide if it will meet the parties individually before arranging a meeting for all parties concerned

o Make a written record of all interviews and meetings as stated in step three (3).

o Provide a report to the CEO within five (5) working days of the above mentioned meeting which states the committee's findings and recommendations

If the grievance is resolved at any point throughout this procedure, a Statement of Agreement is to be made which sets out the details of the resolution. This is to be signed and dated by all relevant parties. Copies of this document are to be made and provided to the student and the Workforce Plus staff member.

5 Things to remember for staff responsible for organising meetings and interviews

o Meetings or interviews should be conducted in an environment that allows all involved parties to feel comfortable.

o Consideration should be given to location, seating arrangements and the length of the interview (this will depend on the complexity of the grievance)

o Questions must be prepared by the interviewers in advance of the interview or meeting.

Make sure that students or participants are advised in advance that they may bring a parent/s, legal guardian or adult advocate with them to any interviews or meetings

6 Assistance, support and external mediation

A student and/or staff member may seek assistance, support and representation at any stage of this procedure. Should the internal processes fail to achieve resolution, any party can request mediation from a source external to the organisation. The CEO will locate an appropriate external agency that provides services relevant to dispute resolution and mediation.

The CEO will contact the agency to:

o Determine the agencies' suitability and credentials for dealing with the issue

- o Determine the cost of undertaking mediation services provided by the agency
- o Determine the availability, location and waiting times (if any) for the delivery of the mediation services.
- o Ensure that if workforce Plus employs the agency, all the required paperwork will be forwarded to Workforce Plus at the conclusion of the mediation sessions. This should include a signed Statement of Agreement that details agreed outcomes and resolution strategies (if any)
- o The CEO will:
 - make the required appointments
 - inform the parties of dates and times
 - make arrangements to enable parties to attend the mediation

Other Information:

Definitions

Complaints

A complaint can be made by anyone and is an expression of dissatisfaction about something that has happened to an individual or in their learning environment.

Grievances

If a participant feels that something has happened to them, that is wrong, unjust or unfair whilst attending classes or other activities at Workforce Plus they may choose to lodge a grievance. In the world of work a grievance is a **formal** statement of complaint, generally made against an authority figure. For a student this authority figure may be a trainer or other Workforce Plus staff member.

Internal Files/Links:

- Customer Complaint Form (MA) Operations Form
- Incident Report (MA) Operations Form

References to Standards and Legislation:

- | | |
|--|---|
| NVR Part 3: Essential standards for continuing registration | 15: Essential standards for continuing registration |
| NVR Part 3: Essential standards for continuing registration | 16: SNR16 Access and Equity |
| NVR Part 3: Essential standards for continuing registration | 17: SNR 17 Management systems are responsive to the needs of clients |
| NVR Part 3: Essential standards for continuing registration | 18: SNR 18 The RTO has governance arrangements |
| NVR Part 3: Essential standards for continuing registration | 20: SNR 20 Compliance with legislation |

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