

### 1. Purpose of Policy

This policy has been developed to provide clear and practical guidelines to ensure that complaints and appeals of all stakeholders (as described below) can be resolved in accordance with the principles of natural justice.

### 2. Scope

This policy applies to all staff members (including volunteers), parents/carers, employers, students, apprentices and any entity in a third party arrangement with Tec-NQ. For the purpose of this policy and procedure they will collectively be referred to as "Stakeholders".

### 3. Policy Statement

Tec-NQ believes that any stakeholder, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation. Stakeholders have the right to present the complaint or appeal formally and in writing.

Complaints and Appeals include but are not restricted to matters of concern to a student relating to training delivery and assessment; the quality of the training; student support and materials; discrimination; and sexual harassment.

Tec-NQ will manage all complaints and appeals fairly, equitably and efficiently as possible, applying principles of natural justice to ensure procedural fairness. This includes:

- Decisions and processes free from bias.
- All stakeholders / parties have the right to be heard.
- The respondent has a right to know of the allegations against them
- All stakeholders / parties are told the decision and the reasons for that decision.

Tec-NQ will encourage the stakeholders / parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, Tec-NQ acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.

Confidentiality will be maintained throughout the process of making and resolving complaints. Tec-NQ seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning and working environment.

### 4. Legislation and Relevant Standards

- Anti-Discrimination Act 1991 (QLD);
- Racial Discrimination Act 1975 (Cth);
- Sex Discrimination Act 1984 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Privacy Act 1988 (Cth); and
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).
- Standards for Registered Training Organisations (RTOs) 2015: 6

### 5. Related Documents

- Child Protection Policy and Procedure
- Sexual Harassment and Discrimination Policy and Procedure
- Staff Code of Conduct Policy and Procedure
- Access and Equity Policy and Procedure
- Harassment and Bullying Policy and Procedure
- Privacy Policy and Procedure
- Information Technology Policy and Procedure
- Student Information Policy and Procedure
- School based Student Handbook
- Recognised Prior Learning Policy and Procedure
- Continuous Improvement Policy and Procedure
- Disability Policy and Procedure
- Exit Interview Proforma
- Termination Policy and Procedure
- Student Refund and Cancellation Policy and Procedure
- Student Refund Request Form
- Student Code of Conduct Policy and Procedure

### 6. Related Systems

- MiTec – Continuous Improvement Register ‘

### 7. Publication

Distributed to all staff, students and parents via Tec-NQ website and DMS.

### 8. Policy Release Details

Date of Policy Release:	20/8/2019
Review Date:	20/9/2021
Recommended by:	Stacey Cox, Executive Assistant
Approved by:	Compliance Committee
Approval Date:	20/8/2019
Version:	5
CIR Number:	3230

### 1. Complaint or appeal relating to training, education and assessment

Should a Stakeholder have a complaint or appeal relating to training, education and/or assessment, the following steps are to be followed:

1. Stakeholder should discuss the issue / complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached, the stakeholder should discuss the issue / complaint with his / her trainer or relevant Tec-NQ staff member to see if it can be resolved.
3. If still no resolution the stakeholder should put the following information relating to the complaint or appeal in writing:
  - description of the complaint or appeal;
  - state whether they wish to formally present their case;
  - steps taken to deal with the complaint or appeal;
  - what they would like to happen to fix the problem and prevent it from happening again.
4. The stakeholder brings the complaint or appeal to the attention of the trainer or relevant Tec-NQ staff member.
5. If the complaint or appeal is not dealt with to the stakeholder's satisfaction, she/he may bring it to the attention of the Operations Manager. The Operations Manager will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence within 48 hours from the time the Operations Manager receives written notification from the stakeholder about their dissatisfaction to the response received from the trainer or relevant Tec-NQ staff member and a response / resolution must be presented within 30 days.
6. Should the issue still not be resolved to the stakeholder's satisfaction, Tec-NQ will make arrangements for an independent third party to resolve the issue and outline any costs that may be involved with this to the stakeholder. The student will be given the opportunity to formally present his or her case. The time frame for this process may vary but should take no longer than 14 days.
7. All stakeholder / parties involved will receive a written statement of the outcomes, including reasons for the decision within the 14 day period. If the process is taking longer than 60 days from the complaint or appeal being received the stakeholder will be notified in writing of the reason for the delay and kept informed about all progress.
8. If the stakeholder is still not happy with external mediation, he / she may take his / her complaint to a number of external parties, such as; the VET Regulator at the Queensland Training Ombudsman ([www.trainingombudsmand.qld.gov.au](http://www.trainingombudsmand.qld.gov.au)) in the case of an RTO complaint, or the NSSAB in the case of a school complaint ([www.nssab.qld.edu.au/about/.complaint.php](http://www.nssab.qld.edu.au/about/.complaint.php)).
9. All documentation relating to complaints or appeals should be archived for audit purposes within the Continuous Improvement Register and marked private.
10. Other legal redress; nothing in the complaints and appeals policy removes the right of any stakeholder to pursue other legal remedies.

## Complaints and Appeals

The Tec-NQ Operations Manager will be the person responsible for the implementation and maintenance of the policy.

### 2. Complaint or appeal relating to bullying, harassment, sexual harassment or discrimination

Should a Stakeholder have a complaint or appeal relating to bullying, harassment, sexual harassment or discrimination, the following actions are to be taken:

#### 1. How do you make a complaint?

1.1.1 While the College encourages individuals who believe that they are being sexually harassed or discriminated against to firmly and promptly notify the offender that his/her behaviour is unwelcome, the College also recognises that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication is ineffective or impossible, the following steps should be taken in reporting a sexual harassment or discrimination complaint.

1.1.1.1 If you have any doubts as to whether or not the conduct complained of amounts to sexual harassment or discrimination, you should contact the College's Equity Officer.

1.1.1.2 A member/s of the College has the right to bring complaints to the Equity Officer of the College if they are being sexually harassed or discriminated against. Where the member/s of the College makes the complaint to a member of staff the member of staff is required to then inform the Equity Officer. The Equity Officer will notify the CEO and the CEO will appoint an equity investigator to investigate the complaint. Where a member/s of the College has a complaint against the Equity Officer the complaint can be made to the CEO of Tec-NQ.

1.1.1.3 The College will treat all harassment and discrimination complaints seriously and sympathetically. We will attend to all complaints in a prompt and **confidential** manner and will limit the communication to those people who need to be informed in order to resolve the complaint.

#### 1.2 Should I keep a record of the conduct or behaviour?

1.2.1 An accurate record of the objectionable behaviour or misconduct is needed to resolve a formal complaint of discrimination or sexual harassment. Individuals who believe that they have been, or are currently being, harassed should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations.

1.2.2 While the College encourages individuals to keep written notes in order to accurately record offensive conduct or behaviour, the employer would like to highlight to all workers that, in the event that legal action is taken, the complainant's written notes might not be considered privileged or confidential information.

#### 1.3 What does the Equity Officer do?

1.3.1 The Equity Officer will listen to your complaint seriously and sympathetically. You will be given support and offered counselling. The Equity Officer will be impartial and will not investigate your complaint, they are there for advice and guidance purposes only. You may bring another person to the meeting

with you should you wish. If you have poor English, advise the Equity Officer before the first interview so that he/she can arrange for someone to interpret.

- 1.3.2 To promote a discrimination and harassment free workplace;
- 1.3.3 Behave as a positive role model of workplace behaviour;
- 1.3.4 Listen to the concerns of staff who believe they are subjected to harassment or discrimination;
- 1.3.5 Understand the role of agencies and services that you provide as options to staff;
- 1.3.6 Give information on options available to staff who believe they are being subjected to discrimination or harassment;
- 1.3.7 Listen and discuss options for resolving a complaint including contact details of organisations where staff might choose to consult;
- 1.3.8 Allow the employee to choose the option/s most suitable to them;
- 1.3.9 Maintain confidentiality and be impartial;
- 1.3.10 Act as a resource for providing information to any staff member about the nature and effects of discrimination and harassment;
- 1.3.11 Support the employee to access applicable policies and procedures and explain the content of these documents if necessary;
- 1.3.12 Advise the employee to use appropriate complaint procedures and reporting and only discuss the issue with those who need to know to avoid any risk of defamation;
- 1.3.13 Explain internal complaint procedures and resolution mechanisms;
- 1.3.14 Provide de-identifying statistical data to management about behaviours that are unlawful or breach the Code of Conduct;
- 1.3.15 Give confidential and timely information to management about issues in the workplace that indicate an environment where harassment and discrimination occur and about the risks of complaints or potential complaints arising and make recommendations for action;
- 1.3.16 Encourage the reporting of behaviour which breaches the discrimination and harassment policy;
- 1.3.17 Assist in promoting Discrimination and Harassment Prevention and Grievance Resolution Policies where appropriate.
- 1.3.18 The Equity Officer will investigate your claim promptly and confidentially and will limit the communication to those people who need to be informed in order to resolve the complaint.

#### 1.4 What investigations will be carried out?

- 1.4.1 On receipt of a complaint the college will act in line with the complaints and appeals policy and procedure;
- 1.4.2 All complaints will be investigated impartially and action will be taken by the College to ensure that the conduct does not continue. Every endeavour will be taken to ensure that no complainant or witness is victimised in any way as a result of a complaint having been made, regardless of the outcome of the complaint.

#### 1.5 The Equity Investigator will:

- 1.5.1 Interview the alleged offender or respondent.
- 1.5.2 Put your allegations to the respondent and advise that he/she intends to make a full inquiry.
- 1.5.3 Give the respondent the opportunity to respond fully to your allegations.

- 1.5.4 Take statements from witnesses to the incident and endeavour to keep their involvement with the investigation to the minimum necessary to establish the facts.
- 1.5.5 Discuss and decide on action with relevant executive manager or CEO.
- 1.5.6 Record all information on the Investigation Report form and record in the Complaints/Improvement Register.

### 1.6 What happens when the investigations are completed?

- 1.6.1 Once the investigation has been completed, the Equity Investigator will:
  - Provide a written report to the complainant, respondent and relevant executive manager or CEO.
  - If possible, make a finding as to whether or not there has in fact been sexual harassment or discrimination.
- 1.6.2 Any one party involved in the investigation should not approach another party to discuss the investigation. Conversations and interactions should be kept to a minimum and only occur when imperative to working matters.

### 1.7 What happens if the complaint is substantiated?

The College will contact the offending member/s of the College and take appropriate action to discipline the offending member/s of the College. This may involve disciplinary action with respect to the member/s of the College.

### 1.8 What happens if the complaint is not substantiated?

- 1.8.1 If the outcome is that the complaint is not substantiated, then the College will:
  - Explain the reasons for their finding to the parties involved.
  - Advise you (the complainant) that you have a right to take your case to the Queensland Human Rights Commission or Appeal the decision with the College Board.
  - Where a complaint is found to be frivolous, malicious, unsubstantiated or vexatious, the complainant or complainants shall be counselled. Malicious, frivolous, unsubstantiated or vexatious complaints include complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.

### 1.9 What if a member/s of the College is victimised because of a complaint?

- 'Victimisation' occurs if any person does or threatens to do an act harmful to another person because of that person's involvement in a complaint.
- The respondent **should not** approach the complainant to discuss any matters relating to the investigation
- If you feel that you have been victimised a complaint should immediately be made to the Equity Officer.
- A claim that a member/s of the College has been victimised will be dealt with pursuant to this policy.

### 1.10 What about formal legal proceedings?

- The above procedures apply to internal complaints of harassment and discrimination. Different procedures apply if a formal charge or civil lawsuit is filed.
- If you receive such a charge or complaint, you are directed to forward it to the Equity Officer and all responses will be made through the College.

### 1.11 Consequences of breach of policy

- Disciplinary action will be taken against a person who harasses a member of the College or who victimises a person who has made or is a witness to a complaint.
- Complaints of workplace harassment found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.
- Malicious, frivolous or vexatious complaints include complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.

### 1.12 Conclusion

1.12.1 The College will make every effort to ensure that all members of the College are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved. All staff members are required, on an annual basis, to sign a register that they have read and understood Tec-NQ's Sexual Harassment and Discrimination Policy.

1.12.2 In addition, the Tec-NQ will provide Professional Development in relation to Sexual Harassment and Discrimination.

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