

Leo Cussen Centre for Law

Practical Training Course

Handbook

Complaints Policy and Procedures

In this policy reference to 'PTC Trainee' means a person enrolled in the PTC.

1. Complaints about the Practical Training Course or the behaviour of any member of staff, PTC Trainee or other person within the building may be made to the Institute under this policy.
2. Complaints may be formal or informal. A formal complaint is one made in writing, delivered to a Director or the Executive Director (but does not include comments or complaints made on a feedback sheet). A complaint includes both academic and non-academic grievances. An informal complaint is one made orally to any member of staff or in writing on a feedback sheet.
3. Informal Complaints
 - 3.1 Informal complaints should first be discussed with the person/s involved. However, an informal complaint may be made to a Director or to any Mentor, or (in the case of a PTC Trainee) to one of two former Trainees nominated for that purpose.
 - 3.2 Such a complaint shall be handled in a manner to be agreed upon between the complainant and the staff member or person to whom the complaint is made.
 - 3.3 The staff member must inform their Director of the nature of any such complaint, unless the complainant requests otherwise.
 - 3.4 Any complaint made in a feedback sheet must be considered by the Topic or Seminar Coordinator and their Director, and any action shall be a matter for the discretion of the Director.
4. Formal Complaints (Academic and Non-Academic Grievances) Procedures

All Trainees or those seeking to enrol in a course of study with the Institute are entitled to access the following grievance procedures, regardless of the Trainee's place of residence or the mode in which they study.

 - 4.1 These procedures are published annually in the Handbook and are publicly available at www.leocussen.vic.edu.au.
 - 4.2 All Trainees at Leo Cussen Centre for Law can use these procedures to submit a grievance about an academic matter. Academic Grievances Procedures are for grievances that relate to student progress, assessment, curriculum and awards in a course of study.
 - 4.3 Trainees or people seeking to enrol in any accredited higher education course of the Institute have four stages at which a complaint may be addressed. Each stage is free. The Institute must commence consideration of a complaint within 10 working days of the complainant's formally lodging the complaint.
 - 4.4.1 In the first instance, complaints should be discussed with the person/s involved. However, if this is impracticable, complainants should communicate with a Mentor. Every effort will be made to make a decision within 14 days.

- 4.4.2 At the second stage of the process, a formal complaint must be made in writing to a Director, who may deal with the matter themselves, and must report the outcome to the Executive Director. The complaint must be dealt with in a reasonable time but, in any event, within 21 days of receiving the complaint.
- 4.4.3 The third stage of the process at which a complaint is addressed is as follows: If the complainant is not satisfied with the outcome of the matter, then they may request that the complaint be forwarded to the Executive Director who may:
- 4.4.4 Make a decision; or
- 4.4.5 Refer the complaint for consideration by the Board if appropriate, or
- 4.4.6 (In a complaint involving a PTC Trainee) Refer the complaint for consideration to a Grievance Committee. That committee shall consist of:
- the Director of Practical Training (unless their lack of independence and impartiality because of previous involvement in the complaint may reasonably be in doubt);
 - another member of staff (who is reasonably impartial and independent of the complaint); and
 - a reasonably impartial and independent Trainee representative to be nominated by the President of the Students Association.
- 4.4.7 The Executive Director, Board or the Grievance Committee will deal with the complaint within a reasonable time, normally within 30 days of receiving the complaint.
- 4.5 The fourth stage of the process at which a complaint is addressed is as follows:
- 4.5.1 If the complaint at the third stage has not been resolved within 30 days, then the Executive Director may direct that the matter be dealt with through an external dispute resolution process by the person/body appointed by the Institute for that purpose.
- 4.5.2 If the complainant is not satisfied with a decision made at the third stage by the Executive Director, Board or Grievance Committee, then the complainant may request that the matter be dealt with by conciliation through an external dispute resolution process by the person/body appointed by the Institute for that purpose.
- 4.5.3 The independent conciliator must be a practising lawyer acceptable to both parties. The Law Institute of Victoria can advise on an acceptable conciliator, if required:
The Law Institute of Victoria
470 Bourke Street Melbourne VIC 3000
PO Box 263C Melbourne VIC 3001 DX 350 Melbourne
ph +61 3 9607 9311 fax +61 3 9602 5270 email lawinst@liv.asn.au.
- 4.5.4 The Conciliator must investigate the complaint and, within 30 days, make a final report of their decision to the complainant and the Executive Director.
- 4.5.5 If the Conciliator makes recommendations in relation to a grievance they have reviewed, then the Conciliator must forward those recommendations within 30 days to the Executive Director who will ensure that the recommendations are implemented within a further 30 days.
- 4.6 The complainant and respondent will not be victimised or discriminated against in any of the four stages set out in this policy.
- 4.7 If the complainant is a Trainee, then the Institute will maintain their enrolment while the complaints procedure is ongoing.
- 4.8 If the complaints procedure results in a decision that supports the Trainee, then the Institute must immediately implement the decision and/or corrective and preventative action required and inform the Trainee of the outcome.

- 4.9 The complainant and/or respondent have the right to be represented or supported by a third person (such as a family member, friend, counsellor or other professional support person) if they wish.
- 4.10 At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.
- 4.11 Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of five years. Such records will remain confidential. Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the Trainee or staff file) and stored in the office of the Executive Director for a period of five years. Parties to the complaint will be allowed supervised access to these records.
- 4.12 The procedures set out in this document do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies or under statute or any other law.
- 4.13 This policy is communicated to academic staff (and support staff) through the Staff Policies Guide. The Director of the PTC is responsible for the training of academic and support staff in the application of the policy.
- 4.14 Complainants who are subject to legislation governing Overseas Students are able to access external complaints and appeals of the Overseas Students Ombudsman. The Overseas Students Ombudsman offers free and independent service for overseas students who have a complaint or want to lodge an external complaint about a decision made by their private education or training provider. The Overseas Students Ombudsman can be contacted at www.oso.gov.au or telephone 1300 362 072.
- 4.15 This policy was approved by the Management Committee of the Institute on the 22nd January 2008, revised on 29 May 2009, revised and approved on 31 August 2012.