



No.3.1.6: Complaints and Appeals Policy and Procedure

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	ESOS National Code 2018 – Standard: 3.3.7; 3.4.5; 6.1.6; 7.5.2; 7.6; 8.13.3; 8.14.1; 8.14.2; 8.14.3; 9.4.2; 10.1; 10.2; 10.3; 10.4; Standards for RTOs 2015 - Standard 6
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

The purpose of this policy and procedure is to provide clear and practical guidelines to ensure that student's complaints/grievances and appeals can be resolved in accordance with the principles of natural justice, fairly, efficiently and effectively.

Objective

The objective of this Policy and Procedure is to ensure that RTO has:

- suitable and appropriate complaints and appeals processes, procedures and protocol in place.
- An appropriate policy framework to comply with the complaints and appeals (internal and external) process
- personnel that understand and know their responsibilities and obligations.

Scope

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This policy and procedure applies to all current, prospective and previous students of RTO and all staff.

Complaints and appeals may be made in relation to any of the following:

- RTO, its trainers, assessors or other staff;
- Education agent
- Any third-party providing services on RTO's behalf, its trainers, assessors or other staff;
- Assessment/RPL outcome;
- Fees and refunds/re-crediting or
- A student of RTO.

General Processes

Despite all efforts of RTO to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution or students may appeal against a complaint outcome or educational determination (e.g. assessment result). In this instance, RTO must implement their documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

RTO's internal complaints process must:

- Include a process for the student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- Ensure that RTO will respond to any complaint/appeal the student makes regarding their dealings with RTO, their education agents or any related party the provider has an arrangement with to deliver the course or related services.
- Commence assessment of the complaint/appeal within 10 working days of lodgement in accordance with the RTO's complaints handling policy and process, and finalise the outcome as soon as practicable
- Ensure the student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person of their choice at any relevant meetings
- Conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
- Ensure the student is given a written statement of the outcome of the appeal, including detailed reasons for the outcome
- Keep a written record of the complaint/appeal, including a statement of the outcome and reasons for the outcome.

Staff also have the right to avail themselves of this process.

RTO will approach all complaints and appeals with an open view and attempt to resolve issues through discussion and conciliation. Where a complaint cannot be resolved through discussion and

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mediation, RTO acknowledges the need for an appropriate external and independent agent to mediate between the parties.

RTO understands individuals' concerns regarding confidentiality and is totally committed to fair treatment respecting and upholding individuals' rights to privacy protection under the Australian Privacy Principles (APPs) contained in The Privacy Act amended 1988 (Cth). RTO respects the privacy rights of all individuals in the workplace. RTO has implemented a program to ensure compliance with the APPs.

RTO understands that despite all its efforts to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. Students have the opportunity to have any complaint or appeal resolved and resolutions reached that attempt to satisfy all parties. There is no cost to the student unless the referral is made to a third party.

Complaints may be made in relation to any of RTO's services and activities including but not limited to:

- The application and enrolment process
- Marketing information
- Education agent
- The quality of training and assessment provided
- Training and assessment matters, including student progress, student support and assessment requirements
- The way someone has been treated
- The actions of another student
- Personal safety
- Customer service and administration
- The issue of result, certificate and statement of attainment
- Learning resources
- Fees and changes
- Student amenities and facilities
- Discrimination
- Sexual harassment
- Other issues that may arise

Where a stakeholder is not satisfied with the RTO's decision regarding their complaint, they may appeal against that decision.

RTO is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, RTO ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.



- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and to take action to prevent the issue from recurring as well as identifying any areas for improvement.
- Are viewed as an opportunity to improve the organisation and how it works.
- Are responded to from a view that is client focused and helps RTO to prevent these events from recurring.
- Ensure that complaints and appeals are resolved promptly, objectively, with sensitivity and in complete confidentiality.
- Are treated confidentially and that the views of each complainant, appellant and respondent are respected and that any party to complaint or appeal is not discriminated against nor victimised.
- Are dealt with in a fair, equitable and consistent manner.

RTO must ensure that students are fully informed of their right to lodge a complaint or appeal.

Students must be informed that the person(s) responsible for investigating the complaint will not be the subject of the complaint or appeal.

Procedures

	Procedure Steps	Responsibility	Reference
1	Informal Complaint	Trainer Administration	
2	Formal Complaint	CEO Trainer RTO Manager	



The complaints and appeals policy and procedure and form are made available to all students and potential students by directly contacting RTO, through RTO's website, pre-enrolment and Student Handbooks.

Where possible, all informal attempts shall be made to resolve the issue (informal complaint) this may include advice, discussions, meeting with the student, emails and general mediation in relation to the issue and the student's issue. Any staff member can be involved in this informal process to resolve issues, but once a student has submitted a formal complaint/appeal, the following procedures must be followed.

If a student is uncomfortable with speaking directly to the person involved or the informal process does not resolve the issue to the student's satisfaction, the formal process should be followed as described below.

Where a student is unhappy with the outcome of an assessment decision, this will be dealt with under assessment appeals.

Formal Complaints

Any student, potential student, employee or third party may submit a formal complaint to RTO with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party. Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.

Any person wishing to submit a formal complaint can do so by completing the Complaints and Appeals Form and state their case, providing as many details as possible. This form can be obtained by contacting the administration staff at RTO, or through the RTO website.

All formally submitted complaints are submitted to the RTO Manager/PEO.

Once a formal complaint is received it will be entered into the Complaints and Appeals Register and written acknowledgment will send to the complainant which is monitored by the RTO Manager regularly. The information to be contained and updated within the register is as follows:

- The name of the complainant
- Date of the complaint
- Type of complaint
- Name of investigating officer/business unit assigned to deal with the complaint
- Response from those involved in the allegations
- Analysis of the matter
- Outcome of complaint
- Action recommended addressing systemic issues (if any)
- Time taken to investigate the complaint

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- Complainant satisfaction with the outcome.

A student may be assisted or accompanied by a support person at any face to face meetings regardless of the nature of the issue or complaint throughout the process.

The RTO Manager will then refer the matter to the appropriate staff members or CEO to resolve or decide on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

Where a decision is expected to take longer than 60 days, RTO will advise the student in writing of the delay and include the reasons for the delay. Thereafter the student will be provided with weekly updates in writing of the progress of the complaint or appeal. Weekly updates to both complainant and appellant will be provided by the Administration Manager. If the decision is taking more than 60 days, the matter can be forwarded to an external complaint resolution organisation as well for resolution.

Once a decision has been reached, the RTO Manager informs all parties involved in writing. Where the complaint process does not find in favour of the learner, students must be notified within 10 working days of concluding the internal review that they have the right to appeal. To appeal a decision, RTO must receive, in writing, grounds of the appeal within 10 days of the date of the notice of the decision.

The RTO Manager ensures that RTO will act immediately on any complaint where the complaints process results in a decision that supports the student. RTO will immediately implement any decision and/or corrective and preventive action that is required and advise the student of the outcome.

Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the RTO Manager or representative and also in the student's file.

Appealing

All students have the right to appeal decisions made by RTO where reasonable grounds can be established. The areas in which a student may appeal a decision made by RTO may include:

- Any other conclusion/decision that is made after a complaint has been dealt with RTO in the first instance as described in the complaints process above. This is referred to as a general appeal.
- Assessments decisions as set out below (assessment appeals).

To activate the appeals process, the student must complete a Complaints and Appeals Form that is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from RTO staff. With regard to general appeals, The Complaints and Appeals Committee determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.



The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

The Complaints and Appeals Committee ensures RTO acts on any substantiated appeal.

The Complaints and Appeals Committee is made up of three people; the three people will be selected from this group: the CEO and RTO Manager and one other person nominated by the CEO.

General Appeals

Where a student has appealed a decision or outcome of a formal complaint, they are required to notify RTO in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal

The appeal shall be lodged through the Complaints and Appeals Committee and they shall record the details of the appeal in the Complaints and Appeals Register.

The Complaints and Appeals Committee will be notified and will seek details regarding the initial documentation of the complaint and make a decision based on the grounds of the appeal.

The student will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. The student will also be provided with the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify RTO if they wish to proceed with the external appeals process.

Assessment Appeals

Where a student wishes to appeal an assessment, they are required to notify their Trainer in the first instance. Where appropriate their Trainer may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer shall complete a written report regarding the re-assessment outlining the reasons why assessment was - or was not - granted.

If this is still not to the student's satisfaction, the student may formally lodge an appeal. They will lodge this with the Complaints and Appeals Committee and the appeal will be entered in the Complaints and Appeals Register.

The RTO Manager will be notified and will seek details from the Trainer involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party will be another Trainer appointed by RTO.

The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify RTO if they wish to proceed with the external appeals process.

External Appeals



If not satisfied with the decision in stage 2, the complainant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by RTO for that purpose.

The details of these external bodies are as follows:

LEADR Complaints, Appeals and Resolution Department

<https://www.leadriama.org/aboutleadr/compliments-suggestions-and-complaints>

Or

By contact with the Legal Aid Department in your relevant state.

The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between RTO and the complainant.

The RTO will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.

Further information

If a client (student or other party) is still dissatisfied with the decision of RTO, they may wish to seek advice or make a complaint about RTO to ASQA directly. If, after RTO's internal complaints and appeals processes have been completed, the complainant still believes RTO is breaching or has breached its legal requirements, the complainant can submit a complaint to ASQA by completing the "Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA will not be able to act as the complainants advocate the lodgement of the complaint will inform ASQA's risk assessment of RTO and a complaint audit may be conducted.

Contact details for ASQA are:

Australian Skills Quality Authority

Melbourne - Level 6, 595 Collins Street

Brisbane - Level 7, 215 Adelaide Street

Sydney - Level 10, 255 Elizabeth Street

Canberra - Ground Floor, 64 Northbourne Avenue

Perth - Level 11, 250 St Georges Terrace Adelaide - Level 5, 115 Grenfell Street

Hobart - Level 11, 188 Collins Street Telephone: 1300 701 801

Email: complaintsteam@asqa.gov.au

Website: www.asqa.gov.au

RTO Staff may also use this complaints and appeals process. RTO will use all complaints as an opportunity for continuous improvement.

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This policy and procedure is compliant with VQF and National Code Standards in providing a process for complaints and appeals to be heard and actioned where necessary.

The RTO Complaints and Appeals policy - principles of natural justice and procedural fairness

- All parties to a complaint or appeal have the opportunity to put their case and have this properly considered
- Any allegation against an RTO staff member or member of a subcontractor party is made known to that person
- Investigations and decisions are made by persons who do not exercise bias
- A complainant should feel confident that they will not suffer any discrimination as a result of using the complaint or appeal process
- Confidentiality shall be maintained to the extent of the people that need to be directly involved in the complaint or appeal process.
- All the information regarding this policy can be found:
 - On RTO's website
 - In the Pre-Enrolment Handbook and Learner Handbook
 - In the Staff Handbook
 - In the Letter of Offer and Agreement
 - During Orientation
- The student can be supported or accompanied by an independent person or friend during the complaints and appeals process.
- It is normal RTO policy that whilst a student is going through any formal complaint or appeals process that the student remains enrolled at RTO and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or exclusion shall continue until either it has expired, or the result of the complaint or appeal is decided in the students favour.
- RTO has a fair and transparent informal and formal complaints and appeals process, but should the student require it, access is available to an independent mediator who can review the complaint and/or appeals process.

Important: see note at beginning of the section on External Appeals Procedure below.

NOTE: If the outcome is in the appellant's favour then RTO will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

General Process to lodge a complaint or internal appeal

The process to be followed for an external appeal is documented by LEADR for Students.

The following actions must be completed for a complaint or internal appeal:



Topic	Process
Availability of Complaints and Appeals Policy and Procedures	The complaints and appeals policy and procedure and form are made available to all students and potential students by directly contacting RTO, through the RTO's website, pre-enrolment and Learner handbooks.
Informal Complaints	<p>Where possible all informal attempts shall be made to resolve the issue (informal complaint).</p> <p>This may include advice, discussions, meeting with the student, emails and general mediation in relation to the issue and the student's issue.</p> <p>Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.</p>
Receive and acknowledge the Formal complaint	<p>Complaints</p> <p>Any student, potential student, employee or third party may submit a formal complaint to RTO with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party</p> <p>Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.</p> <p>Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at RTO, or through the RTO website.</p> <p>a. As per policy, complaints are to be made in writing by the complainant.</p>



	<p>b. The RTO Manager should review all complaints upon receipt.</p> <p>c. Acknowledge receipt of complaint in writing by sending a letter to the complainant.</p> <p>d. Record details of the complaint on the Complaints and Appeals Register.</p>
Review of Complaint or Appeal	Once a complaint or appeal is received and checked for it should be forwarded to the review person (identified in the table below) for review.
Cost	There will be no charge to the complainant or appellant for the lodgement or presentation of their case. Incidental expenses for attending RTO offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.
Presentation of case	All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost.
Determination	<p>The Review Person may gather evidence and constitute a review committee as they see fit.</p> <p>This process must be commenced within 10 working days of the lodgement of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable time period usually 10- 15 working days.</p> <p>If further evidence is requested, then the Review Person must communicate with the complainant or appellant as</p>



	<p>soon as possible and within 5 working days asking for evidence.</p> <p>The process will be put on hold until the evidence is received.</p> <p>How a decision is reached will be advised in the written response to the complainant or appellant.</p>
Timescale	<p>The complaint or appeal should normally be commenced within 10 working days of the receipt of the completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</p>
Appeal following a complaint	<p>If the complainant is not happy with the decision, they may appeal. That appeal is on the fairness and objectivity of the decision.</p>
Formal response to a complaint	<p>A template for a formal written response has been developed for when the complaint is accepted or rejected.</p> <p>This included the complainant’s right to access the Internal Appeals process.</p>
Formal response to an appeal	<p>A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant’s right to access the External Appeal process.</p>



Documentation	<p>All documentation relating to a formal complaint or appeal must be recorded on the student file.</p> <p>This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidently and stored securely for 7 years.</p> <p>Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified, and RTO takes appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence.</p>
Complaints and Appeals Register	All formal complaints or appeals must be logged in the Complaints and Appeals Register
Learning	A complaint or appeal is a learning opportunity for RTO. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented
Standards for Registered Training Organisations 2015	<p>Subject to Clause 6.6, to be compliant with Standard 6 RTO has the following procedures in place:</p> <ol style="list-style-type: none"> 1. RTO has a complaints policy to manage and respond to allegations involving the conduct of: <ol style="list-style-type: none"> a) RTO, its trainers, assessors or other staff; b) a third-party providing services on RTO's behalf, its trainers, assessors or other staff; or c) a student of RTO. 2. RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by RTO or a third-party providing services on the RTO's behalf. 3. RTO's complaints policy and appeals policy ensure:



- a) the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
 - b) are publicly available;
 - c) set out the procedure for making a complaint or requesting an appeal;
 - d) complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - e) provide for review by an appropriate party independent of RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
4. Where RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, RTO:
- a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - b) regularly updates the complainant or appellant on the progress of the matter.



Categorisation of complaint or appeal

The nature of the complaint or appeal will be categorised as follows:	Matter referred to the following:
Administrative Complaint. Complaints against the delivery of administrative and support services and facilities	RTO Manager
Academic Complaint. Complaints against teachers/trainers, training delivery and assessment and the like.	RTO Manager
Student Conduct Complaint. Complaints against misconduct/ misbehaviour of students.	RTO Manager
Appeal	CEO of RTO



Continuous Improvement

This procedure is designed to ensure that the needs, and feedback, of customers, staff, partners, industry contacts and regulatory bodies are recognised and encompassed in regular review and improvement of our service standards and the delivery of our courses across RTO and qualifications and is to ensure management become aware of:

- Common threads relating to the compliance and quality assurance.
- Repeat issues
- Any general adverse trend that needs correcting

Confidentiality and Privacy Statement

For more Information, please refer to our Privacy and Confidentiality Policy.

Publication

This policy once approved, will be available to all students and staff by accessing RTO Intranet or on request. This policy will also be available through RTO's website as well.

This policy and procedure will form part of the information distributed and communicated during staff orientation.

Review processes

The policy will be reviewed annually by the RTO Manager.

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