

## Complaints, Grievance and Appeals Policy

### Policy Overview:

To ensure that the RTO is committed to recognising complaints, grievances, and appeals between student to student, student to RTO staff member and/or student with host employer and that such complaints, grievances, and appeals received are managed appropriately in a timely, fair, just and equitable manner.

### Objective:

To deliver a national framework ensuring all students, clients, employees and other persons associated with the RTO are provided with a complaints, grievance and appeals process being both fair and equitable based on procedures that are appropriate, accessible and easily interpreted.

### Scope:

This policy applies to all students, programs and courses on the RTO's scope of registration.

### Staff Responsible:

- National Compliance and Quality Manager
- State Managers
- Operation Managers
- Trainers and Assessors
- Administration Staff

### Compliance Standards:

This policy relates to the following 2015 SNR Standards 1.8 2.2, 5.2, 6.1-6.6

### Related Policies/Templates/Documents:

- P-039 Privacy & Personal Information Policy
- D-001 Student Information Guide
- F-116 Complaint form
- F-102 Appeals form
- P-057 Assessment Policy and Procedure

### Definitions:

**A complaint** is a written or verbal statement expressing dissatisfaction based on and unsatisfactory or unacceptable experience and would generally be directed at the general performance of RTO or its Staff in the delivery of our services.

**Grievance** is a complaint of a behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their learning experience.

**An appeal** in the context of Vocational Education and Training is a right given to the student to challenge an assessment outcome should they be dissatisfied believing that the decision made was incorrect.

**Complainant** is a person being a student, guardian, employer or host employer who makes a complaint against the RTO.

**Appellant** is a person being the student who appeals the assessment decision outcome as being wrongly decided.

## **1. Complaints and Appeals**

- 1.1. The RTO will ensure that all efforts to manage received complaints and/or appeals is approached and executed in a timely, transparent and objective manner by:
  - 1.1.1. Ensuring the views of each complainant, appellant and respondent are respected and that each party is not discriminated against nor victimised.
  - 1.1.2. That the RTO maintains confidentiality at all times during the complaint or appeal and resolution process respecting the rights of the complainant and/or appellant.
  - 1.1.3. Educating RTO staff the general nature of a complaint or appeal being although not limited to:
    - 1.1.3.1. The enrolment, induction/ orientation process and or advice given;
    - 1.1.3.2. The quality of services offered and provided;
    - 1.1.3.3. Student progress in training and assessment;
    - 1.1.3.4. The assessment system;
      - 1.1.3.4.1. The assessment was not carried out in accordance of the assessment strategy;
      - 1.1.3.4.2. The assessment decision was incorrect;
      - 1.1.3.4.3. The assessment process did not meet the principles of assessment.
    - 1.1.3.5. Access to personal records;
    - 1.1.3.6. Decisions made by the RTO;
    - 1.1.3.7. The way someone has been treated;
    - 1.1.3.8. Suspension and/or cancellation of enrolment;
    - 1.1.3.9. Student safety and well-being;
    - 1.1.3.10. Fees and charges.
  - 1.1.4. Implement and communicate procedures and processes in attempt to minimise and/or eliminate the cause of complaints and appeals.
  - 1.1.5. Encourage wherever possible to resolve issues directly made before being escalated to a formal complaint and/or appeal.
  - 1.1.6. Providing staff with clear processes in how to approach and manage a complaint and/or appeal whilst adhering to Standard 6 which includes assisting the complainant to lodge a formal complaint.
  - 1.1.7. Providing students and/or customers with access to the RTO complaint and appeals policy and procedure including their individual rights and obligations.

## **2. Non-limitation of policy**

- 2.1. This policy and related procedures do not replace or modify those or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and related procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, this policy does not circumscribe an individual's rights to pursue other legal remedies.

## Complaint, Grievance and Appeals Procedure

<b>1. Resolving issues before they become a complaint or appeal</b>		
<b>Action / Task</b>	<b>Responsible</b>	<b>Timeline</b>
<p><b>1.1. Complaint</b></p> <p>1.1.1. In the first instance, persons are encouraged, wherever possible to resolve the situation(s) directly with the individual or department the complaint is directed at, to rectify the situation before being escalated to a formal complaint.</p> <p>1.1.2. Where possible complaints are managed and resolved informally, however if the situation cannot be managed informally the person can submit a formal complaint in writing as per – <b>2. Lodging a complaint or appeal.</b></p> <p><b>1.2. Appeal</b></p> <p>1.2.1. In the first instance students are encouraged, wherever possible to resolve the situation(s) directly with the assessor to rectify the issue before being escalated to an appeal. Where possible appeals are managed and resolved informally, however if the issue cannot be managed informally the student can submit a formal appeal in writing as per the process outlined in <b>procedure 2. Lodging a complaint or appeal.</b></p>	<p><b>All RTO staff who receive a complaint and/or appeal.</b></p>	<p><b>At the time of the complaint</b></p>
<b>2. Lodging a complaint or appeal</b>		
<p><b>2.1. Complaint</b></p> <p>2.1.1. A complaint must be made in writing and specify the particulars of the situation in dispute using <b>F-116 Complaint form</b> located on the RTO website or alternatively this form can be obtain from the RTO N Drive / Controlled Documents and forwarded to the individual by request.</p> <p>2.1.2. Should the complainant forward an email, the RTO must attach <b>F-116 Complaint form</b> to the document outlining:</p> <p>2.1.2.1. Name of person making complaint</p> <p>2.1.2.2. Date</p> <p>2.1.2.3. RTO name</p>	<p><b>Admin. Trainer and Assessor</b></p>	<p><b>When lodging a complaint.</b></p>



Action / Task	Responsible	Timeline
<p>the student has been provided with, that has led to the complaint in question.</p> <p>3.1.4. Management must finalise and provide a response within 20 working days from when the complaint is received.</p> <p>3.1.5. The RTO CEO must be notified of all complaints and dependent on the nature of the complaint, it may escalate to the CEO for resolution.</p> <p>3.1.6. The response to the complainant <b>must</b> include information that demonstrates that the complaint was thoroughly reviewed and what actions and outcomes have been identified as a result of this process.</p> <p>3.1.7. Opportunities for improvement that are identified as a result of the complaint are to be on the Continuous Improvement Register. The Operations Manager may, at their discretion, follow-up with the complainant after consideration by the RTO investigation team to inform the complainant of the improvement actions identified.</p> <p>3.1.8. If the complainant is satisfied with the response, the complaint is to be closed and updated in the SMS and Register. If the complainant is not satisfied with the response, the complainant is to have the opportunity for a person or a body that is independent of the RTO to review his or her complaint following the internal complaints process – <b>refer to procedure 5. External mediation</b>. This service provided may be at cost of the complainant and/or by the RTO depending on the individual complaint and the complainant’s justification for being unsatisfied. The complainant is however required to meet their own costs in relation to travel, time and in preparing any submission to an independent person or body.</p> <p>3.1.9. At the conclusion of the review, decisions or outcomes of the complaint process that find in the favour of the complainant or otherwise shall be implemented immediately.</p>	<p><b>State Manager</b> <b>National Compliance and Quality Manager</b> <b>RTO CEO</b></p> <p><b>Operations Manager</b> <b>State Manager</b></p> <p><b>Operations Manager</b> <b>State Manager</b> <b>National Compliance &amp; Quality Manager</b> <b>Admin.</b></p> <p><b>Operations Manager</b> <b>Admin.</b></p>	<p><b>If escalated</b></p> <p><b>At the conclusion of the complaint.</b></p>

Action / Task	Responsible	Timeline
<p><b>3.2. Appeal</b></p> <p>The following procedure is to be followed when an application for appeal is received:</p> <p>3.2.1. An Appeal is received by the RTO and is immediately recorded into the Appeals Register and noted within the RTO's SMS. The student must receive a receipt of receiving the appeal within three (3) working days</p> <p>3.2.2. Persons lodging appeals in other forms such as phone or email are to be provided with the <b>F-102 Appeals form</b> and advised of the correct format for submission.</p> <p>3.2.3. <b>F-102 Appeals form</b> is to be forwarded to the management who is to review the matter and make recommendation as to how to respond to the matter. Management may choose to consult with others within the RTO or relevant agencies external to determining his or her recommendation.</p> <p>3.2.4. Management may choose to make inquiries about the matter or may task another person to research the matter against relevant policies which may include re-assessment internally or externally. Consideration for appeal must be on the basis of procedural fairness. In most cases, this should include a careful examination of the system or process that the applicant is required to negotiate (such as the assessment system), the information they have been provided which has led to appeal in question.</p> <p>3.2.5. The Operations Manager is to finalise their response to the applicant and provide the applicant a response within 20 working days from when the appeal is received.</p> <p>3.2.6. The response to the applicant must include information that demonstrates that the appeal was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal such as evidence of the assessment being re-assessed by another assessor.</p> <p>3.2.7. Opportunities for improvement that are identified as a result of the appeal are to be</p>	<p><b>State Manager Operations Manager Assessor Admin.</b></p> <p><b>Admin Assessor Operations Manager National Compliance and Quality Manger.</b></p> <p><b>Operations Manager</b></p> <p><b>Operations Manager</b></p>	<p><b>At the time of an appeal Receipt within three (3) days</b></p> <p><b>Within 20 days of receiving the appeal.</b></p> <p><b>Within 20 days from the initial appeal.</b></p>





Action / Task	Responsible	Timeline
<b>5. External Mediation for a complaint or appeal</b>		
<p><b>5.1. Complaint and/or appeal</b></p> <p>If the complainant and/or appellant is not satisfied with the outcome of their complaint and/or appeal then an independent mediator will be sourced by the RTO through LEADR, the Association of Dispute Resolvers or an external assessor. Complainants or appellants may request that their grievance is referred to the independent mediator by writing to the CEO.</p> <p>If the complainant or appellant remains unsatisfied with the outcome of the mediator’s decision, then they may contact the Australian Skills Quality Authority (ASQA).</p>	<p><b>RTO CEO National Compliance and Quality Manager</b></p>	
<b>6. Record Keeping and Confidentiality</b>		
<p><b>6.1.</b> A written record trail of all complaints and/or appeals and responding correspondence shall be maintained for a period of five (5) years to allow all parties to appeal appropriate access to these records.</p> <p><b>6.2.</b> All records relating to the grievance <b>MUST</b> be treated as confidential – Refer to <b>P-039 Privacy &amp; Personal Information Policy</b>.</p>	<p><b>All RTO staff involved.</b></p>	

## Document Revision History

Version Number	Author	Date Published	Description
2.0	Aleena Velich	03/08/2017	Revised Policy and Procedure <ul style="list-style-type: none"> <li>• Expanded on Overview and Objective</li> <li>• Included relevant definitions.</li> <li>• Expanded on actual policy.</li> <li>• Amalgamated P-006 and P-007 into once policy and relevant procedures.</li> </ul>
	Patricia Fulcher	03/08/2017	Revised and approved with changes
	Natalie Robinson	03/08/2017	Formatted and published. Retired P-007 (old appeals policy) Branded for Tracmin Use.