

00057 – Guide - Complaints and Appeals Process

Purpose

This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals lodged with the RTO can be resolved, equitably and efficiently, in accordance with the principles of natural justice. The Complaints Policy is there to manage and respond to allegations involving the conduct of the RTO, its trainers, assessors or other staff, a third party providing services on the RTO's behalf, its trainers, assessors or other staff or student of the RTO.

Definitions

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

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know of what s/he is accused;
- All parties are told the decision and the reasons for the decision.

Policy

The RTO acknowledges that a student, 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. The student has the right to present the complaint or appeal formally as well as in writing.

The RTO will manage all complaints and appeals fairly, equitably and efficiently as possible.

The RTO will encourage the 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, the RTO 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. The RTO seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.

A copy of this Policy is available to all the students and staff via the RTO and is available in the Student Handbook. The information will also contain details of external authorities that they may approach.

Where complaints or appeals have been received, RTOs must keep evidence of how the matter was dealt with and the outcome (including the timeframes). The RTO will use this information received via any complaint to review the RTO's processes and practices to ensure the issue doesn't happen again.

Procedure

Should a student have a complaint or appeal, the following steps are to be followed:

1. The student should discuss the issue/complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached, the student should discuss the issue/complaint with his/her trainer to see if it can be resolved.
3. If still no resolution the student should put the following information relating to the complaint or appeal in writing using the Complaints and Appeals Form.
 - A description of the complaint or appeal;
 - State whether they wish to formally present their case;
 - Steps taken thus far to deal with issue/complaint;
 - What outcomes they would like to fix the problem & prevent it from happening again.
4. The student should bring the complaint or appeal to the attention of the trainer within seven (7) days of the issue taking place.
5. If the complaint or appeal is not dealt with to the student's satisfaction within seven (7) day period, they may bring it to the attention of the CEO. The CEO 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 CEO, or their delegate, receives written notification from the student about their dissatisfaction to the response received from their trainer and a response/resolution must be presented within 7 days.
6. Should the issue still not be resolved to the student's satisfaction, the RTO will make arrangements for an independent external person to resolve the issue. 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 parties involved will receive a written statement of the outcomes, including reasons for the decision within the 14 day period.
8. If the student is still not happy with external mediation, they may take their complaint to the Australian Skills Quality Authority (ASQA):
 - Complaints Team
 - Tel: 1300 701 801
 - Email: TO.complaints@asqa.gov.au
9. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.
10. All documentation relating to complaints or appeals should be archived for audit purposes.
11. The RTO's CEO will be person responsible for the implementation and maintenance of the policy.

Supporting Documents

- Complaint Form
- Appeals Form

Related standard

Clause 6.1

The RTO has a Complaints Policy to manage and respond to allegations involving the conduct of:

- a) The RTO, its trainers, assessors or other staff
- b) A third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- c) A student of the RTO.

Clause 6.2

The RTO has an Appeals Policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

Clause 6.3

The RTO's Complaints Policy and Appeals Policy:

- a) Ensure 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) Ensure 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 the 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.

Clause 6.4

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the 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.

Clause 6.5

The RTO:

- a) Securely maintains records of all complains and appeals and their outcomes, and
- b) Identifies potential causes of complaints and appeals and takes the appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Clauses 6.6

Not applicable

Associated Documents:

- Standards Six Summary
- 00057 – Guide – Complaints & Appeals Process
- 00058 – Form – Complaint Form
- 00059 – Form – Appeal Form
- 00060 – Guide – Flowchart of Assessment Appeal Procedure
- 00017- Handbook- Policy & Procedures for Staff
- 00052 - Handbook - Students Handbook 2016