

## Complaints and Appeals Policy and Procedure

### Policy Overview:

To ensure that the RTO is committed to recognising complaints, grievances, and appeals from students, staff members and any other affect person are received are managed appropriately in a timely, fair, just and equitable manner.

### Objective:

To provide a framework ensuring all students, clients, employees and other persons associated with the RTO have access to a complaints and appeals process that is both fair and equitable based on procedures that are appropriate, accessible and easily interpreted.

### Staff Responsible:

- Administration
- Compliance
- Operations
- Trainers and Assessors

### Compliance Standards:

This policy relates to the following 2015 SNR standards: Clauses 1.8, 2.2, 5.2, and 6.1-6.6

### Related Policies/Templates/Documents:

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

### Definitions:

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

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.

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

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

## 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 on 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;
  - 1.1.3.5. The assessment was not carried out in accordance of the assessment strategy;
  - 1.1.3.6. The assessment decision was incorrect;
  - 1.1.3.7. The assessment process did not meet the principles of assessment.
  - 1.1.3.8. Access to personal records;
  - 1.1.3.9. Decisions made by the RTO;
  - 1.1.3.10. The way someone has been treated;
  - 1.1.3.11. Suspension and/or cancellation of enrolment;
  - 1.1.3.12. Student safety and well-being;
  - 1.1.3.13. 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 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, staff, clients, and/or any other person with access to the P-006 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.

## Complaints and Appeals Procedure

1 Resolving issues before they become a complaint or appeal		
Action / Task	Responsible	Timeline
<b>1.1 Complaint or Appeal</b>		
1.1.1 In the first instance, the individual is encouraged wherever possible, to resolve the situation(s) directly with the individual or department the complaint or appeal is directed at, to try and rectify the situation before being escalated to a formal complaint or appeal.	Operations	At the time of the complaint or appeal
1.1.2 Where possible complaints and appeals are managed and resolved informally, however if the situation cannot be managed informally the individual can submit a formal complaint or appeal in writing as per <b>Procedure 2 Lodging a complaint or appeal</b> .		
2 Lodging a complaint or appeal		
<b>2.1 Complaint</b>		
2.1.1 A complaint must be made in writing specifying the particulars of the situation in dispute using the <b>F-116 Complaint Form</b> within 28 days of the situation.	Complainant	When making a formal complaint
2.1.2 The <b>F-116 Complaint Form</b> should be sent to the complaints email address as specified in the form: <a href="mailto:complaints@ash.edu.au">complaints@ash.edu.au</a>	Operations	Upon receiving a complaint
<b>2.2 Appeal</b>		
2.2.1 An appeal must be lodged in writing specifying the particulars of the decision, or finding in dispute, using the <b>F-102 Appeals Form</b> within 14 days of the assessment outcome.	Appellant	When making a formal complaint
2.2.2 The <b>F-102 Appeals Form</b> should be sent to the Compliance email address as specified in the form: <a href="mailto:compliance@ash.edu.au">compliance@ash.edu.au</a>	Operations	Upon receiving an appeal
3 Receiving and responding to a complaint		
<b>3.1 Complaint</b>		
The following procedure is to be followed when a complaint is received.		
3.1.1 Upon receipt of the complaint by Compliance, details of the complaint must be recorded into the Complaints and Appeals Register.	Compliance	Upon receipt

Action / Task	Responsible	Timeline
<p>3.1.2 Compliance are to review the matter and make recommendations as to how to respond within three (3) working days of receiving the complaint.</p> <p>3.1.2.1 Review may require consultation with relevant parties internal and/or external depending on the severity of the complaint.</p> <p>3.1.2.2 Should the consultation process extend over three (3) days the complainant must be notified in writing.</p> <p>3.1.2.3 Details must be recorded against the complainants Complaints and Appeals Register record.</p>	Compliance	Within 3 working day of receipt
<p>3.1.3 During review / consultation, Compliance may choose to make inquiries about the matter or may task another person to research the matter against relevant policies maintaining confidentiality. Compliance are required to consider the application for a complaint on the basis of procedural fairness. In most cases, this should include careful examination of the RTO's internal systems, policies and or processes, the associated information and or communication the Complainant has been provided with, that has led to the complaint in question.</p>	Compliance	
<p>3.1.4 Compliance must finalise and provide a response within 20 working days from when the complaint is received. The response must be recorded against the complainants Complaints and Appeals Register record and the Complainant advised of the outcome.</p>	Compliance	Within 20 working days of receipt
<p>3.1.5 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>3.1.6 Opportunities for improvement that are identified as a result of the complaint are to be recorded on the Continuous Improvement Register. Compliance may, at their discretion, follow-up with the complainant after consideration by the investigation team to inform the complainant of the improvement actions identified.</p> <p>3.1.7 If the complainant is satisfied with the response, the complaint is to be closed and updated in the Complaints and Appeals Register.</p>	Compliance	
<p>3.1.8 If the complainant is not satisfied with the outcome, the complainant is to have the opportunity for a person or a body that is independent of the RTO to review their complaint following the internal complaints process. Refer to <b>Procedure 5 External mediation.</b></p> <p>3.1.8.1 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</p>	Complainant	When they don't agree with the complaint outcome

Action / Task	Responsible	Timeline
to travel, time and in preparing any submission to an independent person or body.		
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.	Compliance	
3.1.10 The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.	Compliance	At all times
<b>3.2 Appeal</b> The following procedure is to be followed when an application for appeal is received.		
3.2.1 Upon receipt of the appeal, Compliance are to record the details of the appeal must be into the Complaints and Appeals Register.	Compliance	Upon receipt of the appeal
3.2.2 The Appellant must receive a receipt of receiving the appeal within three (3) working days	Compliance	Within 3 working days
3.2.3 Compliance are to review the matter and make recommendation as to how to respond to the matter. 3.2.4 Compliance may choose to consult with others within the RTO or relevant agencies external to determining the outcome recommendation. 3.2.5 Compliance 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.	Compliance	
3.2.6 Compliance is to finalise their response to the Appellant and provide a written response within 20 working days from when the appeal is received. The response must be recorded against the complainant's aXcelerate record and the Complaints and Appeals Register record.	Compliance	Within 20 working days of receiving the appeal
3.2.7 The response to the Appellant 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.	Compliance	

Action / Task	Responsible	Timeline
<p>3.2.8 Opportunities for improvement that are identified as a result of the appeal are to be recorded in the Continuous Improvement register. Compliance may, at their discretion, follow-up with the Appellant after consideration by the investigation team to inform the Appellant of the improvement actions identified.</p> <p>3.2.9 If the Appellant is satisfied with the response, the appeal is to be closed and updated in the aXcelerate and Complaints and Appeals Register.</p>		
<p>3.2.10 If the Appellant is not satisfied with the response, the Appellant is to have the opportunity for a person or a body that is independent of the RTO to review their appeal following the internal appeals process.</p> <p>3.2.10.1 Costs associated with an external independent body may apply to either the RTO and/or the Appellant depending on the appeal and outcome at the discretion of management based on procedural fairness.</p>	Appellant	When they don't agree with the appeal outcome
3.2.11 At the conclusion of the review, decisions or outcomes of the appeals process that find in the favour of the Appellant or otherwise shall be implemented immediately.	Compliance	
3.2.12 The Complaints and Appeals Register and Student Management System are to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.	Compliance	At all times
<b>4 Resolution timeframe for a complaint or appeal</b>		
<b>4.1 Complaint and/or appeal</b>		
4.1.1 All formal complaints and/or appeals will be acknowledged within 3 working days.	Compliance	Within 3 days of receiving a complaint / appeal
4.1.2 All formal complaints and/or appeals will be resolved within 20 working days.	Compliance	Within 20 days of receiving a complaint / appeal
4.1.3 Should the issue in hand be complex and additional time is required to research and identify solutions, evidence of communication to the Complaint or Appellant must be recorded in the Complaints and Appeals Register.	Compliance	
<b>5 External Mediation for a complaint or appeal</b>		

Action / Task	Responsible	Timeline
<p><b>5.1 Complaint and/or appeal</b></p> <p>5.1.1. 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>5.1.2. If the Complainant and/or Appellant remains unsatisfied with the outcome of the mediator’s decision, then they may contact the Australian Skills Quality Authority (ASQA) if appropriate</p>	Complainant and/or Appellant	When they want external medication
<p><b>6 Record Keeping and Confidentiality</b></p>		
<p>6.1 A written record trail of all complaints and/or appeals and responding correspondence shall be maintained by the RTO for a period of 5 years to allow all parties to appeal appropriate access to these records.</p> <p>6.2 All records relating to the grievance MUST be treated as confidential. Refer to <b>P-039 Privacy &amp; Personal Information Policy</b>.</p>	All RTO staff	



### Document Revision History

Version Number	Date Published	Description
2.0	03/08/2017 Aleena Velich	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>
	03/08/2017 Patricia Fulcher	Revised and approved with changes
	03/08/2017 Natalie Robinson	Formatted and published. Retired P-007 (old appeals policy)
2.1	09/04/2019 14/5/2019 Pippa Price	Revised Policy and Procedure <ul style="list-style-type: none"> <li>Transferred onto updated template</li> <li>Expanded on policy and complaint/appeal recording requirements</li> </ul> Revised associated forms – Appeals and Complaints
	27/06/2019	Major re-write