	Process Owner/Function: Training Management	Document ID: POL-TMS-10	Rev No: 03	Effective Date: 22 May 19
	Title/Subject: Student Complaints and Appeal Policy			


1 CONTEXT

- 1.1 This policy supports the requirements to meet the Standards for RTO's 2015 and the Training Management System (TMS) for Core Quality Management Consultants (CQMC).
- 1.2 The RTO is committed to the highest standards of education and professional services and providing an effective, efficient, timely, fair and confidential process for resolving academic and non-academic complaints.
- 1.3 This policy applies to both academic and non-academic matters from Students, potential Students and other Stakeholders.

2 PURPOSE

- 2.1 The RTO aims to foster a culture that welcomes complaints as a valuable opportunity to improve organisational or academic processes or products; and ensure that complaints are resolved promptly, objectively, fairly, with sensitivity and confidentiality. The RTO will ensure that both corrective and preventive actions are implemented to prevent recurrence of future issues.
- 2.2 A complaint is defined as dissatisfaction with a treatment or service made by the RTO, and is; but not limited to:
 - Course advice and enrolment;
 - Suspension and/or cancellation of enrolment;
 - Program delivery;
 - Marketing and promotional activity;
 - Personal safety;
 - Customer service and administration;
 - Issue of results, certificates, statement of attainment;
 - Learning resources;
 - Fees and charges; or
 - Equity and access, discrimination, harassment and bullying.
- 2.3 An appeal is defined as a dissatisfaction with a decision made by the RTO, and is; but not limited to:
 - Assessment process and decision,
 - Candidate progress and academic progress decisions,
 - Decision to not provide a student refund,
 - Decision to not approve a transfer request,
 - Decision to not accept an enrolment, or
 - Decision to not approve a suspension of studies, deferment or cancellation request.

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3 POLICY

3.1 Principles

3.1.1 The RTO abides by a set of RTO principles and they are set out below:


- The RTO is committed to providing learners with an education of the highest possible quality but recognises that, from time to time, learners may raise complaints or grievances about matters or issues relating to their experiences with the RTO;
- The RTO recognises that effective communication is of paramount importance when attempting to resolve difficulties experienced by learners and is committed to a culture of openness, fairness and continuous improvement;
- The RTO will follow transparent, fair and timely procedures for addressing complaints and appeals in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly;
- All parties to a complaint or appeal must act in good faith and seek to achieve an amicable resolution. Intimidating, harassing, threatening or offensive behaviours will not be tolerated from any parties;
- The RTO will give learners who raise complaints or appeals, the opportunity to formally present their case and students will not suffer any discrimination as a result of raising complaints or appeals in good faith;
- RTO staff with a role in resolving complaints and appeals will reach conclusions based on a fair hearing of each point of view;
- All parties to a complaint or appeal must respect privacy and confidentiality, except where the release of particular information is required by law;
- The RTO will consider complaints and appeals in a timely manner, within specified and achievable timeframes; and
- The RTO will keep all parties to a complaint or appeal informed of the progress of the matter and will give all parties reasonable opportunity to respond to outcomes.

3.2 Responsibility

3.2.1 All people accessing training and skills recognition services under the RTO's provisions; have the right to appeal on the basis of:

- Access to fair and equitable consideration and treatment in the workplace;
- Access to skills development and recognition opportunities;
- Access to skills development and recognition processes which are appropriate to the content and the individual; and
- Access to nationally recognised awards of the Australian Qualifications Framework where competency against units has been demonstrated and validated by qualified and authorised assessors.

3.2.2 The objective of this policy is to deliver client and student satisfaction through professional RTO provisions. It is the intention of the RTO to maintain services at a level of customer expectations. To do so, it is a requirement that all training and assessment

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staff within or used by the RTO will adhere to the policies and procedures in accordance with the Code of Practice.

- 3.2.3 To ensure complete satisfaction, the RTO will follow up and address any issues or concerns expressed by clients or students. Prompt action will be implemented to ensure concerns are handled promptly and in accordance with procedures set in place to safeguard the interests of the RTO and also those of the clients and students.
- 3.2.4 Should a client or learner have an occasion that they have any grievance, dispute or disagreement, the RTO will address and investigate the matter promptly, fairly and confidentially in accordance with RTO established procedures.
- 3.2.5 The RTO will conduct reviews in an open manner, free from prejudice and bias.
- 3.2.6 The RTO will constantly strive to provide quality service based on the principle of continuous improvement and therefore welcomes the comments of all staff members, students and clients that may contribute to the improvement of the training management system.
- 3.2.7 In the event that a learner encounters a problem with a facilitator or another member of the program, the student is urged to speak to the person directly – or to bring the matter to the attention of the RTO Manager. If the issue cannot be resolved through discussion, a written complaint should be submitted to the RTO Managing Director. The learner will receive a copy of the relevant Complaints and Appeals procedure and any other relevant information.
- 3.2.8 Any complaint or appeal will not deprive the learner of their rights as a student.
- 3.2.9 Should learners feel that they have not been treated fairly in terms of access to any of the above then they should bring this to the attention to the person(s) directly involved. If you feel you cannot do this, or you do not feel you have reached a satisfactory outcome or understanding, then you may access any of the following appeals.
- 3.2.10 The Complaints and Appeals process includes an informal and a three (3) stage formal process including:
 - Lodging a formal complaint;
 - An internal appeal or review of the issue; and
 - Provision for independent review.

3.3 Grounds for Complaints Appeals

- 3.3.1 Grounds for complaint or grievance include, but are not limited to the following:
 - The learner was affected by a decision made without sufficient consideration of facts, evidence or circumstances;
 - The learner was affected by a failure to adhere to appropriate or relevant published policies and procedures;
 - A penalty applied to the learner was unduly harsh or inappropriate;
 - The learner was affected by improper or negligent conduct; or
 - The learner was affected by unfair treatment, prejudice or bias.

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3.4 Types of Complaints

3.4.1 Academic matters include, but are not limited to issues which relate to Student progress, attendance, assessment, course content or awards in a VET course of study.

3.4.2 Non-academic matters include, but are not limited to the general performance or decisions of the RTO, its trainers, assessors, other staff or Partners in the delivery of products or services, such as financial matters (fees, refunds and payment terms), Staff and Student behaviour of conduct, management of personal information, or facilities and resources.

3.4.3 Learners may raise complaints or grievances in relation to academic decisions, including but not limited to:

- Decisions by academic staff members affecting individuals or groups of learners;
- The content or structure of academic programs, including the nature of teaching and assessment;
- Supervision of learners undertaking research projects;
- Authorship and intellectual property; or
- Quality of teaching.

3.4.4 Learners may raise complaints or appeals in relation to administrative decisions, including but not limited to:

- Decisions by administrative staff affecting individuals or groups of learners;
- Administration of policies, procedures and rules of the RTO;
- Standard of service received through RTO administration; or
- Access to resources or facilities.

3.4.5 Learners may raise complaints or appeals in relation to misconduct by an RTO staff member. Complaints will be managed informally under the Student Complaints and Appeals Procedure. Grievances will be managed under the Responsible Conduct of Staff Policy.

3.4.6 Learners may raise complaints or grievances in relation to misconduct by another learner. Complaints and grievances will be managed under the Student Complaints and Grievances Procedure, the Equal Opportunity Policy or other documents as appropriate.


3.4.7 Learners may raise joint complaints or grievances where more than one student has been affected, in which case the matter will be considered as one issue. If two or more complaints or grievances about the same matter are submitted independently, they may be considered jointly by agreement of all parties concerned

3.5 Timely Complaints and Appeals

3.5.1 Learners must raise complaints and appeals as soon as possible after the event, decision or action which is the subject of the complaint or grievance.

3.5.2 The RTO may be unable to investigate a complaint where, due to the length of time elapsed since the event, decision or action, there is insufficient information available to enable investigation of the complaint or grievance.

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3.6 Application

- 3.6.1 The complaints and appeals process will be at no cost to the student or client (unless referred to a third party).
- 3.6.2 All parties directly involved in the internal complaints and appeals process may be accompanied and assisted by a support person at any relevant meeting.
- 3.6.3 Complaints and Appeals applications must be accompanied with relevant documentation e.g. written statements, names of witnesses and any other relevant documents to support the students' case. The evidence provided by the student will determine the RTO's investigative activities and will form the basis of the RTO's decision
- 3.6.4 The RTO will investigate (as far as principles of natural justice and procedural fairness allow) anonymous complaints but encourages Students or Stakeholders to utilise the informal and formal processes to enable a thorough investigation and resolution process.
- 3.6.5 The Managing Director is responsible for the authorisation, publication and implementation of this policy, for ensuring it is communicated to all staff in writing and for ensuring all RTO Staff are trained in its application.
- 3.6.6 The complaints and appeals policy and procedure and applicable form is made available to all Students, potential Students, and Stakeholders by directly contacting the RTO, through the RTO's website, and within the Student Handbook.

3.7 Guidelines

- 3.7.1 General principles applying to all stages of complaints and appeals process will be adhered to by the RTO using the following guidelines:
 - All students that access the RTO's complaints and appeals process will be provided with acknowledgement of receipt within 5 working days of the complete complaint/appeal (including supporting evidence) being received;
 - The RTO will maintain the students' enrolment while the complaints and appeals process is ongoing, and will not act on its initial decision until the appeals process has been completed. Students must in turn ensure they continue to meet their attendance and course progress requirements until the process has been completed;
 - Both the complainant and anyone who has allegations made against them will have the opportunity to present their case at each stage of the procedure;
 - Any people involved in the complaint will have the option of being accompanied or assisted by a third person (support person such as family member, friend or counsellor) at relevant meetings if they so desire;
 - Any decision maker will be independent from the decision being reviewed;
 - Neither the complainant nor the respondent will be discriminated against or victimized;
 - Complaints and requests for an appeal will be acknowledged in writing within 10 working days of the complete complaints/appeal being received. At all stages of the process, discussions relating to complaints and appeals will also be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as

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part of this procedure will be provided to the complainant and / or the respondent if requested;

- Where the complaint or appeals process results in a decision that supports the student will complete any corrective actions within 20 working days from the decision;
- Where the complaint or appeals process results in a decision that is not in favour of the student, the student may choose to access external appeals process within 10 working days of the internal appeal outcome. The RTO will assist all students with the external appeals process and will provide the student with written acknowledgement that the external appeals process has been activated upon advice from the student;
- Records of all complaints and appeals will be kept for a period of at least five (5) years. These records will be kept strictly confidential. The complainant shall have appropriate access to these records; and
- The RTO will maintain a ‘complaints register’ including details of the complaints or appeals received, decisions and actions taken to eliminate or mitigate the likelihood of recurrence. The register should identify cause of the complaint/appeal and list the steps taken by the RTO to prevent the situation happening again.

3.7.2 Where the RTO considers that more than sixty (60) calendar days may be required to process or finalise the formal stages, they will inform the complainant in writing of the reasons for the delay (such as availability of or access to ‘evidence’ or sources, or specialist) and will regularly update the complainant regarding the progress of the process.

3.8 Informal Complaint or Appeal

3.8.1 In the first instance, students or stakeholders (complainants) are encouraged to discuss the matter(s) informally with the RTO staff or students involved. Where possible, disputes should be managed and resolved between the parties informally, although recorded for future reference (in event of a systemic or recurrent issue).

3.8.2 Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed.


3.9 Stage One (1) –Formal Complaint or Appeal

3.9.1 If the issues cannot be satisfactorily resolved informally the complainant should submit a formal complaint to the attention of the RTO Manager.

3.9.2 Whilst a complaint form is available from the RTO staff, formal complaints may also be made via email, website feedback, letter or via an interview or verbal conversation with any RTO Staff member who will record the necessary details. Complainants are encouraged to supply sufficient information (and supporting evidence if available) about the matter(s) to enable the RTO to investigate including (if applicable):

- Submission date of complaint;
- Name of complainant;
- When the incident(s) took place;
- Who was involved or may have witnessed the incident(s);

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- Whether the matters have previously been discussed with or reported to the RTO Staff; and
- The complainant's desired outcome to resolve the issue(s).

3.9.3 Students lodging an appeal about an assessment outcome must do so within fifteen (15) working days of being notified of the initial assessment decision. The RTO Manager will acknowledge receipt of the complaint or appeal in writing and will make contact with the complainant within five (5) working days to discuss and / or seek any additional necessary information to investigate the issue.

3.9.4 The RTO Manager will investigate the complaint and determine the outcome within twenty (20) working days of it being received by the RTO Manager and advise the complainant in writing of the decision within five (5) working days of finalising the investigation of the complaint.

3.9.5 The complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of Stage One (1).

3.10 Stage Two (2) –Internal Review

3.10.1 If the complainant is not satisfied with the outcome of Stage One (1), they may lodge an appeal with the Business Manager. To enable timely resolution, the appeal should be submitted by the complainant within fourteen (14) calendar days of notification of the Stage One (1) formal complaint decision.

3.10.2 An Appeal Committee, consisting of the RTO Manager (or delegated Senior Officer) and at least one other person* with relevant RTO or training or Industry relevant expertise (as required by the nature of the complaint) will

- Consider the nature of the appeal, the decision in question and all other relevant material or information including information supplied by relevant RTO Staff; and
- Meet with the complainant and respondent and RTO Manager who investigated the issue(s) initially, if necessary.

3.10.3 Immediately on reaching its decision, or within twenty (20) working days of receipt of the appeal, the Committee will communicate their decision to the complainant in writing. The written notification of the final decision must state that if the complainant is not satisfied with the final decision, they have the right to access an external independent appeal process.


3.10.4 * Anyone who has been involved in the decision which is subject to appeal cannot be a member of the Appeal Committee

3.11 Stage Three (3) –External / Independent Review

3.11.1 If the complainant is not satisfied with the outcome of Stage Two (2), they may apply for an External Review. The External Review will be formally investigated by an agent external to the RTO, such as the external regulator or there may be a recommendation to involve other agencies, including legal agencies. The most relevant External Review agencies are listed below:

- VET Fee-Help: The Administrative Appeals Tribunal <http://www.aat.gov.au/ApplyingForAReview/WhenCanTheAATHelp.htm>

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- Any Australian Domestic Student: The National Training Complaints Hotline Phone: 133873 (Monday to Friday, 8am to 6pm nationally) Email: skilling@education.gov.au; or
- Request that the matter be referred to an external dispute resolution process agreeable to both parties.

3.11.2 Should the complainant wish to pursue the matter through the external review stage, they should be aware that fees and charges, payable by the complainant, may be applicable.

3.11.3 The RTO agrees to abide by the outcome of an agreed external review and further will ensure due consideration is given to any recommendations arising from the External / Independent Review. The RTO will advise the complainant in writing as to the actions taken. Where applicable, these recommendations will be incorporated into the RTO's policies and procedures for implementation, ensuring continuous improvement of service and quality education to Students.