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## Complaints and Appeals Policy and Procedure

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<b>Title:</b> Complaints and Appeals Policy and Procedure	<b>Operational Area:</b> Administration
<b>Prepared By:</b> Chandler RTO	<b>Date Created:</b> 12/04/2018
<b>Approved By: CEO</b>	<b>Date Reviewed:</b> 10/03/2020

## Introduction

Having an effective complaints and appeals process assists Chandler RTO to comply with the conditions of registration as well as giving students and clients faith in the RTO and the quality of its operations.

## Purpose

To ensure complaints and appeals are addressed efficiently and effectively.

## Scope

The *Complaints and Appeals Policy and Procedure* is available to all students of Chandler RTO. Staff should refer to the *Employee Grievance Policy and Procedure* if they have a complaint to make.

## Responsibilities

The *Complaints and Appeals Policy and Procedure* is the responsibility of the Chief Executive Officer.

## Definitions

No special definitions apply to this procedure.

## Alignment

<b>Standards for Registered Training Organisations (RTOs) 2015</b>
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Clauses 5.2(di), 6.1-6.6
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## Policy Statement

Chandler RTO will ensure that it has an appropriate internal complaint handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:

- a) A process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record form of the complaint or appeal to be kept;
- b) Each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
- c) Each party may be accompanied and assisted by a support person at any relevant meetings;
- d) The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome; and
- e) The process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

Chandler RTO participates in the National Training Complaints Hotline initiative, set up by the Australian Government to hear complaints or appeals arising from the registered provider's internal complaints and appeals process.

If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost. Details of which can be found at:

<https://www.education.gov.au/NTCH>

If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.

If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

### **Principles**

Any complaint will be handled fairly, recognising the rights of the person making the complaint, Chandler RTO and the person against whom the complaint is being made. All parties concerned will be treated with courtesy and appropriate confidentiality will be maintained.

Chandler RTO will be transparent and accountable in relation to client complaints by ensuring information about the procedure is widely available and by informing stakeholders about feedback received and actions taken to improve services resulting from analysis of feedback.

At any point in the process a complaint may be withdrawn by the complainant.

Chandler RTO will ensure appropriate training for staff involved in the complaints management process. This will be provided during staff orientation, as part of the company's professional development strategy for its staff and at least during an annual refresher session.

Chandler RTO will collect data and maintain records of complaints received and their outcomes. These will be analysed by Management as a standard agenda item at Management Review Meetings and also assessed annually as part of Chandler RTO's continuous improvement strategy.

All documentation relating to student complaints will be forwarded to the RTO Manager to be registered within Chandler RTO Complaints Register and filed appropriately.

This policy and procedure is available to all staff in the Staff Handbook, and all staff are trained in the application of the policy and procedures. This policy and procedure will also be made available to all prospective and enrolled students via the Chandler RTO website, contractual documentation and addressed during any orientation program.

### **Procedure**

#### **Staff and Client Information**

Management must inform all staff of complaint and appeal procedures. This takes place at the staff induction and as improvements are made to the complaints and appeals procedure.

All staff must inform clients of complaint and appeal procedures. This takes place during pre-enrolment (contractual documentation) and during the orientation program.

## **Complaints and Appeals System**

The complaints and appeals system is designed to ensure that students are able to present their complaint free of charge and in a fair and equitable manner.

The complaints & appeals procedure ensures that students have access to an independent arbiter if necessary.

The complaints & appeals procedure ensures complaints and appeals are resolved within the specified time frame.

Management must, as part of the complaints and appeals procedure, inform students clearly of the complaint or appeal outcomes in writing.

The complaints and appeals process will be available to all clients of Chandler RTO.

## **Complaint Process**

To initiate the complaint process:

- The client speaks directly with the person concerned to resolve the problem within 7 days, or writes to the Chief Executive Officer within 21 days if unable to speak directly to the person concerned; and
- While not mandatory, it is strongly recommended that the client lodges the complaint in writing; and, where possible, using the appropriate form.

To investigate the complaint:

- Acknowledge receipt of the complaint and investigate the matter with all concerned parties;
- For complaints regarding assessment, organise remarking or reassessment as necessary;
- For non-assessment complaints, ensure that the investigation is appropriate to the nature and seriousness of the complaint, calling on external investigators if necessary; and
- In all cases, the investigation is to be conducted, fairly, openly, and impartially.

To resolve the complaint:

- Respond to the student in writing within 21 days of receiving the complaint with results of the investigation;
- If the complaint requires more than 60 calendar days to resolve, then the student will be notified in writing, including being provided with a reason why, and will be notified in writing of the progress of the complaint every week thereafter until the complaint is resolved;
- Ensure that results of the investigation include any corrective action necessary to prevent similar complaints and ensure that the changes are implemented; and
- Advise all parties of the Appeal Process and/or any external organisations that may assist, for example, police, counselling organisations, Consumer Affairs etc. if the complaint is unresolved.

To finalise the complaint:

- Update records including the Complaints & Appeals Register.

## **Appeal Process**

To initiate the appeal process:

- The student lodges an appeal directly to the Chief Executive Officer within 21 days of being advised of the outcome of a complaint or assessment; and
- While not mandatory, it is strongly recommended that the client lodges the appeal in writing and, where possible, using the appropriate form.

To resolve the appeal:

- Acknowledge the appeal in writing and alert all concerned parties that an appeal has been lodged within 7 days of receiving the appeal;
- For appeals regarding assessment, organise remarking or reassessment acceptable to all parties to the appeal. Either the Chief Executive Officer or the client may seek reassessment or arbitration by a third party/panel acceptable to all parties;
- For non-assessment appeals, first meet all parties to seek conciliation. If unsuccessful, refer the matter to a third party/panel acceptable to all parties;
- If the appeal requires more than 60 calendar days to resolve, then the student will be notified in writing, including being provided with a reason why, and will be notified in writing of the progress of the appeal every week thereafter until the appeal is resolved; and
- In all cases the appeal is to be conducted fairly, openly and impartially.

To notify all parties of the appeal decision:

- The independent appeals body and Chandler RTO must report the results of the appeal and any corrective action to be taken to all concerned parties; and
- The independent appeals body and Chandler RTO must advise all parties of any external organisations that may assist, for example, police, counselling organisations, Consumer Affairs etc. if the appeal is unresolved.

To finalise the appeal process:

- Update all records including the *Complaints & Appeals Register*.

## **Independent Mediation and Consultation**

At any time during the complaint and appeal process the complainant/appellant may seek the advice or mediatory services of an external independent body for example the Dispute Resolution Centre of Victoria, a free mediation service, which may be accessed via telephone Toll Free 1800 658 528 or email [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au) or the Australian Skills Qualifications Authority via the website [www.asqa.gov.au](http://www.asqa.gov.au).

Students may also access the National Training Complaints Hotline which operates Monday to Friday from 8am to 6 pm nationally. (see information sheet attached)

Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services.

## **Record Keeping**

1. Staff members associated with investigating and resolving a complaint or appeal are required to keep file notes of any related discussions or actions.

Such file notes are to be marked 'Strictly Confidential' and be held in a secure restricted place. All official correspondence with the complainant/appellant will be retained in the same place.

2. Notes should be kept to a minimum stating only facts and relevant details as described by the parties. Dates and times of interactions should also be recorded.
3. All complaints and appeals including the nature of the complaint/appeal, the outcomes of the complaint/appeal will be recorded onto the Complaints & Appeals Register; and
4. Actions arising from our Complaints & Appeals Register will be used to continuously improve Chandler RTO systems and operations.

### **Corrective Action**

Management must monitor the area of complaint or appeal to ensure that corrective action is taken and the problem resolved. Management must also monitor any required changes are implemented and that there is no recurrence of the problem.

### **Preventive Action**

Management must implement preventive or corrective action as appropriate to the problem identified through the complaints & appeals process and monitor the implementation for effectiveness, to ensure that it:

- Prevents the identified problem; and
- Does not have any unforeseen consequences for the student or RTO.

Management must review complaints and appeals to determine causes and act to prevent reoccurrence of these causes.

### **Improvements to Complaints and Appeals System**

Complaints and appeals are subject to the *Monitoring & Review Procedure*, *Continuous Improvement of Client Services Procedure* and *Continuous Improvement of Training & Assessment Procedure*.

All improvements must document:

- Complaint and appeal process and resolution;
- Preventive measures; and
- Client feedback data.

### **Related Documents**

- Complaints & Appeals Register.