

## Policy & Procedure 1.5 **Complaints & Appeals**



### **1. Policy**

This policy/procedure supports the *Standards for RTO's 2015.v2* in providing a process for complaints and appeals to be heard and actioned. All complaints and appeals received by The Wall and Ceiling Institute will be viewed as an opportunity for improvement.

Despite all efforts of The Wall and Ceiling Institute to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student.

### **Standards for RTO's 2015.v2 - Chapter 3 – Support and Progression**

The Users Guide for Standards for RTO's 2015.v2 – Chapter 3 - focuses on how registered training organisations (RTOs) support students' progression in their learning. This is the third phase of the student journey.

### **Clauses 1.7, 5.4 and 6.1 to 6.6—Supporting and informing learners; managing complaints and appeals**

This policy and procedure covers Clauses 6.1 to 6.6

### **Clauses 6.1 – 6.6 - Manage complaints and appeals**

#### **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 learner 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

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- 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 complaints and appeals and their outcomes, and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

### **Clause 6.6**

Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

## **What this Standard means for our RTO**

Our RTO must have a policy for dealing with complaints about our organisation, third parties, staff or other learners. We must also have an appeals policy, in case our RTO is requested to review or reconsider a decision it has made (e.g. an assessment decision).

We must make these policies publicly available, for example, by including them on our RTO's website or displaying them in common areas for staff and learners.

Make the process for lodging a complaint or appeal clear and explain what will happen as a result. Ensure people are not disadvantaged. Specifically, do not:

- require them to complete overly complex forms, which can be a barrier to learners expressing their concerns, or
- require learners to provide extensive written information as part of the complaints process.

Allowing learners to easily engage with the staff of our RTO about any concerns they have can stop minor issues becoming larger.

Our RTO's process must follow the principles of natural justice and procedural fairness by allowing anyone subject to a decision by our RTO, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

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Ensure that the decision maker is independent of the decision being reviewed (e.g. an assessor should not consider or decide an appeal against an assessment decision they made).

If the person making the complaint or appeal is not happy with the outcome, decide for an independent third party to review the complaint or appeal. Disclose any costs associated with a third party review in our policy, so all parties are aware of any costs they may need to pay. Note that ASQA is **not** able to act as the independent third party for reviewing complaints.

Deal with complaints and appeals promptly. Identify the timeframes that will apply to resolution of complaints and appeals, so that complainants know how long it should take to get a response from your RTO at all stages of the process. This will minimise the chance of complainants referring their complaint to ASQA, which can incur additional costs to our RTO. If a complaint or appeal (including any review process) will take more than 60 days to finalise, write to the people involved explaining the delay.

Record all complaints and appeals received, and document outcomes. Use this information to review your RTO's processes and practices to ensure the issue doesn't happen again.

### ***Explanatory notes***

#### ***Managing complaints and appeals***

Learners and other clients are most likely to raise issues (for example, about a trainer who cannot be contacted or training resources that are difficult to understand) if the RTO creates an environment where all feedback is welcome and where openness is valued.

The benefits of creating this environment include:

- The RTO gains more valuable feedback on which to base continuous improvement activities
- Issues are less likely to be escalated into formal complaints
- Learners and other clients are more likely to be satisfied with the RTO's performance, which is likely to reduce attrition rates and to promote return business.

RTOs can assist learners and other clients to raise issues by:

- Providing information to them about how feedback is valued
- Providing avenues for them to provide feedback, for example, student forums, suggestion boxes, scheduled feedback meetings with a staff member whose role it is to support learners, weekly phone calls to workplace supervisors
- Thanking them for their feedback, responding to issues raised quickly and providing them and other clients with information about how such issues have been addressed.

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Complaints arise when a client is dissatisfied with an aspect of the RTO's services and requires action to be taken to resolve the matter. Appeals arise when a client is not satisfied with a decision that the RTO has made. Appeals can relate to assessment decisions, but they can also relate to other decisions, such as a decision to exclude a learner from a program.

### 2. Procedure

#### **Informal process**

Where possible all non-formal attempts shall be made to resolve the complaint. This may include advice, discussions, and general mediation in relation to the issue. Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.

#### **2.1 General Complaints**

- Any student, potential student, or third party may submit a formal complaint to The Wall and Ceiling Institute with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- A student wishing to submit a formal complaint or appeal can do so by completing the 'Complaints or Appeals Form' and state their case providing as many details as possible. This application form can be gained by contacting Student Administration at Australian Academic Solutions.  
*Refer: VCID.SMS.05 – Complaints or Appeals Form*
- The Wall and Ceiling Institute will maintain a fair and equitable complaints and appeals process in response to allegations involving:
  - The RTO
  - It's Trainers, assessors and other staff
  - A third party providing services on behalf of the RTO, its trainers or assessor or other staff
  - A participant (learner) of the RTO
- All formally submitted complaints or appeals are submitted to the General Operations Manager. It is their responsibility to deal with the complaint in the first instance. Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant;
  - Nature of complaint ;
  - Date of the event which lead to the complaint
  - Attachments (if applicable);
- Once a formal complaint is received it is to be entered into the 'Complaints Log Register' which is monitored by the General Operations Manager and Compliance

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Officer regularly. The information to be contained and updated within the register is as follows:

- Submission date of complaint
  - Name of complainant;
  - Description of complaint / appeal
  - Determined Resolution; and
  - Date of Resolution.
- A student may be always assisted or accompanied by a support person regardless of the nature of the complaint throughout the process.
  - Students are able to present their case in person.
  - Once a complaint has been filed and logged in the 'Complaints Log Register' the General Operations Manager shall notify the Compliance Officer of the complaint and provide any further documentation related to the matter.  
*Refer: VCID.QMSR.09 – Complaints Log Register*
  - The General Operations Manager shall then refer the matter to the appropriate staff to resolve or decide on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
  - Once a decision has been reached the General Operations Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right of appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.
  - The General Operations Manager shall ensure that the RTO will act immediately on any substantiated complaint. 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 that is required and advise the student of the outcome.
  - Copies of all documentation, outcomes and further action required will be placed into the 'Complaints Register' by the Compliance Officer and a copy sent to The Wall and Ceiling Institute to place on the students file.
  - The College will ensure that it follows the principles of fairness and natural justice in dealing with all complaints.
  - The Complaints and Appeals Log Register will be monitored via the Management Meetings held every month.

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- Where the General Operations Manager 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 days are required and;
  - Regularly update the complainant or appellant on the progress of the matter.
- All Complaints and Appeals will be securely stored within a locked filing cabinet, or electronically protected as per the Records Management Policy and Procedure.

Refer to: *VCID.QMS.16 – Complaints and Appeals Verification Report*  
*Policy & Procedure 2.1 Records Management*

### **2.2 Appealing a Decision**

All students have the right to appeal decisions made by where reasonable grounds can be established. The areas in which a student may appeal a decision made by The Wall and Ceiling Institute may include:

- Assessments conducted
  - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
  - Or any other conclusion / decision that is made after a complaint has been dealt with by The Wall and Ceiling Institute in the first instance.
- To activate the appeals process the student is to complete a 'Complaints or Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from student administrations department.
  - The General Operations Manager shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
  - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
  - The General Operations Manager shall ensure that The Wall and Ceiling Institute acts on any substantiated appeal.
  - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

#### **General appeals**

- Where a student has appealed a decision or outcome of a formal complaint they are required to notify The Wall and Ceiling Institute in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

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- The appeal shall be lodged through student administrations and the Student Administration Manager shall ensure the details of the appeal are added to the 'Complaints Log Register'.
- The General Operations Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints Log Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify The Wall and Ceiling Institute if they wish to proceed with the external appeals process.

### **Assessment appeals**

- Where a student wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'Complaints Log Register'.
- The General Operations Manager shall be notified and shall seek details from the assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by The Wall and Ceiling Institute.
- The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints Log Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify The Wall and Ceiling Institute if they wish to proceed with the external appeals process.

### **2.3 External Appeals**

If a student is still dissatisfied with the decision of Australian Academic Solutions, a student may wish to refer the matter to an external independent / third party mediator.

- The Wall and Ceiling Institute acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant and the Internal processes have failed to resolve the matter.

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- The independent party recommended is Melbourne Commercial Arbitration and Mediation Centre.

Appeals can relate to assessment decisions but they can also relate to other decisions, such as a decision to exclude a learner from a program. Clients should be encouraged to resolve complaints and appeals through your complaint mechanisms. If they are not satisfied with the outcomes of these processes they should be referred to the National Training Complaints Hotline.

Where a decision or outcome is in favour of the student the RTO shall follow the required action and recommendation from the third party mediator to satisfy the student's appeal as soon as practicable.

### **National Training Complaints Hotline**

Anyone with a complaint or query about the VET training sector can call the National Training Hotline. The hotline directs complaints to the appropriate Commonwealth, state or territory organisation for help.

The hotline also allows the Department of Education and Training to analyse complaint trends in order to quickly identify what further action and improvements are needed.

The National Training Complaints Hotline is accessible on **13 38 73** and is available Monday to Friday, from 8am to 6pm.

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You can also send complaints via email to [skilling@education.gov.au](mailto:skilling@education.gov.au)

### **Templates/Forms**

- VCID.SMS.05 – Complaints& Appeals Form
- VCID.QMS.18 – Complaints & Appeals Verification Report
  - VCID.QMSR.09 - Complaints Log Register
  - VCID.QMS.11 - Management Meeting – Minutes – actions arising from complaints were agreed
  - VCID.QMS.12 – Trainers Meeting – Minutes – actions arising from complaints were agreed
  - VCID.QMS.15 – Action Request Form
  - VCID.QMSR.03 – Continuous Improvement Register