

## COMPLAINTS AND APPEAL PROCEDURE

This procedure is available to interested parties:

1. In the pre-enrolment package;
2. For download from our website; or
3. By phoning or emailing our office.

We shall readily and openly receive, manage and respond to allegations involving the conduct of:

- Our business, trainers, assessors or other staff; or
- A learner of our RTO.

We shall resolve all complaints and appeals in a fair, effective, transparent and efficient manner to ensure a minimum of disruption to our business without detriment to the Learner or complainant.

We shall not exclude any person from training for which they have paid while we investigate and respond to a complaint or appeal lodged by them or on their behalf.

We shall not subject a complainant or appellant to any harassment, coercion or other derogatory action while we investigate and respond to a complaint or appeal lodged by them or on their behalf.

We shall not charge a fee for the investigation and response to any complaint or appeal.

### DEFINITIONS

#### **INFORMAL COMPLAINT**

A matter which has a minor impact on the services provided by our business, for which the complainant does not feel require significant action to resolve i.e. the air conditioning is too cold or not working.

#### **FORMAL COMPLAINT**

A matter which has a medium to significant impact on the services provided by our business, for which the complainant feels will require significant action to resolve and will severely impact on their training and its outcomes

#### **APPEAL**

An appeal is a request for the review of a decision in regards to:

- Assessment decisions made by our trainers; or
- Suspension or exclusion from our training.

### LEVEL OF AUTHORITY FOR MANAGING COMPLAINTS AND APPEALS

#### **INFORMAL COMPLAINTS AND APPEALS**

Due to the nature and possible outcomes of informal complaints and appeals, the authority to deal with informal complaints and appeals is any person be it a trainer, assessor or other staff member.

It is generally expected and accepted that informal complaints and their outcomes will not be recorded.

## COMPLAINTS AND APPEAL PROCEDURE

### **FORMAL COMPLAINTS AND APPEALS**

Due to the nature and possible outcomes on our business the authority to deal with formal complaints and appeals lies with the Director.

### **INFORMAL PROCEDURE**

The trainer, assessor or other staff member receiving an informal complaint will make all efforts to address the concerns of the learner or complainant through an informal exchange of information, with a view to clarifying and understanding the nature of the complaint and attempting to resolve the issues presented.

Once the nature of the complaint is found the trainer, assessor or other staff member is required to work with the learner or complainant to close the complaint with an agreed outcome.

If the outcome will incur a cost to our business, the Director is to be notified for the expenditure to be approved and actioned.

### **FORMAL COMPLAINT AND APPEAL PROCEDURE**

The learner or complainant will:

- Be required to submit their formal complaint or appeal in writing;
- Have an opportunity to present their case at each stage of the procedure; and
- Have the option of being accompanied or assisted by a third party (such as a family member, friend or counsellor) if they so desire.

The RTO will advise the complainant within 10 working days, receipt of the complaint and investigation has begun.

At all stages of the process, discussions relating to complainants and appeals will be recorded in writing. Reasons and a full explanation in writing for the decisions and actions taken as part of this procedure will be provided to the Complainant and/or Respondent.

### **STAGE ONE**

Formal complaints and appeals will be submitted in writing to the Director on the approved form and will be placed in a manila folder.

The responsible officer, being the Director, will then assess the complaint or appeal, investigate, determine the outcome and advise the learner or complainant in writing of their decision within 21 working days, including their right to access Stage Two of this procedure if they are not satisfied with the outcome of Stage One.

All documentation relating to the complaint or appeal including notes of the investigation are to be placed in the manila folder and forwarded for Review.

A copy of the final determination and original written complaint or appeal is to be placed in the learners file with recommendations for corrective action or improvement in service forwarded to the Director for action.

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***Whereby the complaint is made against the Director (whether as the trainer/assessor or in her role of director), the compliance officer will be the person to receive and investigate the complaint.***

### STAGE TWO

If the Complainant is not satisfied with Stage One outcomes, they may lodge an application for review in writing to the Compliance Officer.

The complaint or appeal will then be determined by the Compliance Officer (the Reviewer).

The Reviewer will conduct all necessary consultations with the complainant, respondent and any other relevant persons and make a determination.

The complainant will be advised in writing of the outcome of their review, including the reasons for the decision, within 15 working days and advised of their right to access Stage Three of this procedure if they are not satisfied with the outcome of Stage Two.

All documentation including notes of the investigation and review process are to be placed in the manila folder and placed in storage for 5 years.

A copy of the final determination and original written complaint or appeal is to be placed in the Learners file with recommendations for corrective action or improvement actioned by the Director.

**Whereby the compliance officer was the recipient of the initial complaint involving the director, Your RTO specialists will assign an independent compliance specialist to undertake the reviewer role.**

### STAGE THREE

If the learner or complainant is not satisfied with the outcome of Stage Two they must advise in writing that they are not satisfied with outcome of Stage Two and that they are escalating the matter to, independent mediation through a mediation service.

### ACKNOWLEDGEMENT OF FORMAL COMPLAINTS AND APPEALS

The person receiving the formal complaint or appeal is to inform the complainant or appellant that they have received the complaint and an investigation has commenced. The acknowledgement:

1. may be sent via email or letter posted to the complainant/appellants address;
2. identify the investigating officer; and
3. advise the timeframe for the investigation and notification of result.

### GENERAL PRINCIPLES

General principles applying to all stages of this appeal process which will be adhered to are:

- The Appellant and Respondent will have an opportunity to present their case at each stage of the process.
- The Appellant and Respondent have the option of being accompanied or assisted by a third party (such as a family member, friend or counsellor) if they so desire

## COMPLAINTS AND APPEAL PROCEDURE

- The Appellant and the Respondent will not be discriminated against or victimised
- At all stages of the process, discussions relating to conduct of the assessment and methods used to assess the student will be recorded in writing. Reasons and a full explanation in writing for the decisions and actions taken as part of this process will be provided to the Appellant and/or Respondent if requested.
- Records of all appeals will be kept for a period of 5 years. These records will be kept strictly confidential and stored off site in secure storage.
- The Appellant shall have access to this process at no cost during the time of the appeal process, but a minimal fee will be applied for access to records in storage after the process has completed.

### CONTINUING LEARNERS

Whereby a learner makes a complaint or appeal, or another person makes a complaint or appeal on behalf of a learner, such learner shall not be excluded from any training or training related activities during the course of the investigation and subsequent reviews.

This does not apply to any complaint or appeal which is determined to be a non-complying complaint.

### NON COMPLYING COMPLAINTS AND APPEALS

Any complaint or appeal which contains threats of violence or clearly identifies a breach of Australian Laws shall be deemed non - complying and will not be considered under the terms of this procedure. Further such threats or breach of Australian Law shall be reported to the most appropriate law enforcement agency.

### TIMEFRAME FOR COMPLAINTS AND APPEALS

All written complaints and appeals including reviews are to be commenced within 10 working days of the formal complaint being lodged and finalised within 60 calendar days of the date of complaint or appeal received.

In circumstances where we consider more than 60 calendar days are required to process and finalise the complaint or appeal, we will:

- Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- Regularly update the complainant or appellant on the progress of the matter.

### RECORDS OF FORMAL COMPLAINTS AND APPEALS

Records of all complaints and appeals will be kept for a period of 5 years. These records will be kept strictly confidential and stored in secure storage.

**Please note:** This complaints and appeals process, does not remove the right of a student to take action under Australia's consumer protection laws.

### INDEPENDENT MEDIATION SERVICES

Should you decide to escalate a complaint or appeal to Stage three, you are free to engage a mediation service. To assist you in this we have found the following mediation services:

- 1.. Dispute Resolution and Mediation Services NSW (02) 9948 4423
- 2.. Community Justice Centres 1800 990 777

**Note:** We have no affiliation or connection with these services.