

Standard 6

Complaints and appeals are recorded, acknowledge and dealt with fairly, efficiently and effectively.

MANAGE COMPLAINTS AND APPEALS (6.1 – 6.6)

- 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.
- 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.
- 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;
 - 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.
- 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.
- 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.
- 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 and/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.

Strategy

The RTO will ensure that all grievances are dealt with in a timely and fair manner by utilising a mechanism to allow students and staff to submit a complaint through the Complaints and Appeals process. This mechanism is outlined within the Complaints and Appeals Policy and Procedure. A clear process for submitting a complaint is included within the Student Handbook and the Trainers Handbook.

Policy and Procedure/s**Complaints Policy (T&S)**

Staff and students have the right to submit a complaint if they wish to express discontent against another person or a complaint against the RTOs process or system. In order to ensure that complaints are dealt with in a timely manner, we have implemented a complaints process.

This policy and procedure is relevant to all grievances arising in the following areas:

- a) Student wishes to raise a complaint against another student
- b) Student wishes to raise a complaint against the RTO
- c) Student wishes to raise a complaint about a Third Party
- d) RTO staff wishes to raise complaint about a Third Party
- e) Staff wishes to raise a complaint about another staff member or a student

Complaints Process

If a student, trainer or staff member is experiencing any difficulties, they are encouraged to discuss their concerns with Senior Management. RTO administrative staff will make themselves available at a mutually convenient time if a student wishes to seek assistance.

If a Student or Staff member wishes to make a formal complaint they are required to complete a Complaints and Appeals Form, which is included in the Student and Trainers Handbook. Once the form has been completed, the form should be submitted to the **RTO manager** for actioning.

If required, the student has the right to have a third party assist them through the Complaints Process, this may be due to language barriers or simply at the students request.

Following is the process for managing complaints:

1. Formal complaint is received by the complainant to the RTO
2. If not already submitted with the complaint, a *Complaints and Appeals Form* is completed and submitted to the RTO Manager
3. A written acknowledgement of receipt of the *Complaints and Appeals Form* will be forwarded to the complainant following receipt by the RTO Manager
4. The Complaint is discussed with all parties involved in the grievance, in order to find a solution agreeable to all parties
5. Grievances should be kept confidential, in order to protect the complainants
6. All *Complaints and Appeals Form* are to be reviewed at the monthly Quality and Compliance Meetings.
7. The RTO Manager is to follow the process on the *Complaints and Appeals Form* for the process under "Recommended Action Required for Improvement".
 - a. An initial meeting should be held within 7 days
 - b. If further investigation is required, this should be completed within 60 calendar days
8. Each appellant:
 - a. Has an opportunity to formally present his or her case
 - b. Is given a written statement of the complaint outcomes, including reasons for the decision
9. If a solution cannot be found the matter is brought before senior management for resolution, agreeable to all parties.
10. If Senior Management is party to the grievance, they will not take part in any discussions or decisions made and the matter will be referred to the CEO.
11. If a solution has not been reached to the benefit of all parties the complainant has the right to request a review by an independent party, who is not part of the RTO
12. The RTO is responsible for acting upon the subject of any complaint found to be substantiated.

13. Complaints and Appeals Forms received are to be entered onto the Complaints and Appeals Register
14. If the RTO determines that the complaint process cannot be finalised within 60 calendar days the RTO Manager will:
 - a. Confirm this in writing to the complainant, including reasons why more than 60 calendar days is required
 - b. Will regularly update the complainant or appellant on the progress of the matter

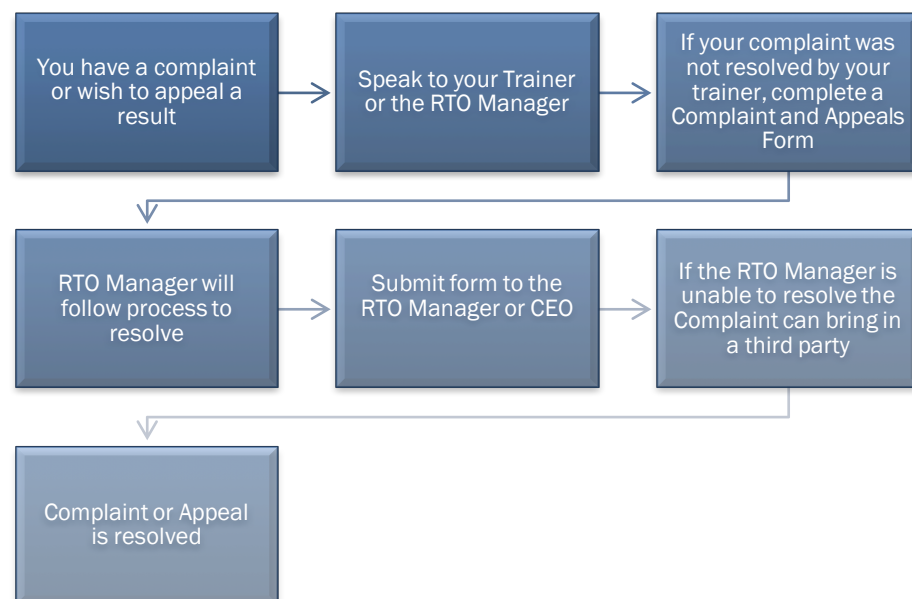
Complaints and Appeals Forms are to be actioned by the appropriate staff member and filed into the *Complaints and Appeals Register*.

All *Complaints and Appeals Forms* are to be reviewed during the monthly Quality and Compliance Meetings and improvements are to be identified and implemented according to the Policies and Procedures of the RTO.

Should the internal process be unsatisfactory, you can lodge a complaint to the:

- National Training Complaints Hotline (<http://www.industry.gov.au/skills/nationaltrainingcomplaintshotline/Pages/default.aspx>) Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally. Email: skilling@education.gov.au
- Office of Fair Trading (<http://www.fairtrading.nsw.gov.au>).
- Australian Skills Quality Authority (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)

Complaints Flowchart (S)



Complaints and Appeals Form

The Complaints and Appeals Form is accessible from the Student and Trainers Handbook or a complainant can also contact the RTO to obtain a copy of the form.

Complaints Report Form

The Complaints Report Form is to be used if there is not enough room on the Complaint and Appeals Form to describe the complaint. This form is to be attached and submitted with the *Complaints and Appeals Form*.

Complaints and Appeals Register

The RTO has in place a register for filing completed Complaints and Appeals forms. When a complaint or appeal is received, the form collected is to be entered into the Complaints and Appeals Register and given a register number.

Complaints and Appeals that are placed into the register are reviewed and monitored each month at the monthly Quality & Compliance Meeting.

Assessment Appeals Policy (T&S)

The student has the right to appeal on an assessment result if they believe that the result given was unfair or unjustified.

This includes Appeals arising in the following areas:

- a) Student disagrees with the result given by their Assessor (including Third Party)
- b) Student wishes to have their result reviewed by another Assessor
- c) Student wishes to be re-assessed for the same unit
- d) Student wishes to change the unit
- e) Student believes that they were discriminated against by the Assessor

Assessment Appeals Procedure (T)

All students have the right to appeal any assessment decision made by the RTO if they:

- Believe that the assessment is invalid and/or
- Feel that the process was invalid, inappropriate or unfair

Before making an appeal, we ask that you discuss the matter with your Trainer/Assessor in an attempt to reach a decision.

If you are still not happy, you are then entitled to lodge a formal Appeal by completing an “*Complaints and Appeals Form*” within 7 days of the initial discussion. Once a formal appeal is lodged a new Assessor will be appointed in an attempt to resolve the appeal. Any decision recommended by this party is not binding to either party in the dispute.

If you are still not satisfied another registered training provider in the same curriculum area will be appointed to arbitrate and reassess participants if necessary.

You have the right to a support person to be involved at all times during the appeal process.

Following is the process submitting an Appeal:

1. Student receives a result for an assessment task of which they do not agree with the result
2. Student completed an *Complaints and Appeals Form*
3. The *Complaints and Appeals Form* is submitted to the RTO Manager
4. A written acknowledgement of receipt will be forwarded to the Student confirming receipt of the *Complaints and Appeals Form*
5. The RTO Manager will consult with the trainer/assessor and student individually
6. The RTO Manager is to follow the process on the *Complaints and Appeals Form* for the process under “Recommend Action Required for Improvement”
7. An initial meeting should be held within 10 business days
8. The student will be advised of the outcome of this consultation process within 15 business days of the dispute being lodged
9. If it is decided that there is a case for review, a suitably qualified, independent assessor will be employed to conduct another assessment. An assessment date will

	<p>be negotiated with the student. Following the assessment, the student will be advised of the result within 10 business days</p> <p>10. If the student is not satisfied with any decisions made in this review process, a Review Board (which may include representatives from another RTO) will be convened to review the case again. An opportunity for Improvement Form may need to be completed in order to identify any improvements on the process that may need to be made</p> <p>11. All <i>Complaints and Appeals Forms</i> received are to be entered onto the Complaints and Appeals Register</p> <p>All <i>Complaints and Appeals Forms</i> are to be reviewed during the monthly Quality and Compliance Meetings. If the RTO determines that the appeals process will take more than 60 calendar days, the RTO manager will notify the student in writing including reasons why more than 60 days is required. The RTO manager will regularly update the student with the process.</p>
Evidence	<ul style="list-style-type: none"> Complaints and Assessment Appeals Form Complaints and Appeals Register Complaints Report Form
Continuous Improvement	<p>This standard is reviewed, according to the Continuous Improvement Cycle, during the month of November on an annual basis.</p>
Responsibility	<ul style="list-style-type: none"> Chief Executive Officer Senior Management