

POLICY #2
COMPLAINTS,
CONCERNS AND
APPEALS

INTERACTION

Complaints, Concerns and Appeals Policy and Procedure

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STANDARD OPERATING PROCEDURE (SOP)

RELEVANT INTERNAL FORMS

Complaints, Concerns and Appeals Policy and Procedure

1. Objective

Interaction Consulting Group (ICG) provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively. ICG will act on each substantiated complaint, concern or appeal.

We maintain a complaints and appeals policy which includes provisions that manage and respond to allegations involving the conduct of the RTO, its trainers, assessors or other staff, other learners and a third-party providing services on the RTO's behalf, its trainers, assessors or other staff; or a learner of the RTO.

1. Requirement

ICG uses a systematic approach to dealing with complaints, concerns and appeals. All concerns, complaints and appeals are dealt with fairly, honestly, and without bias in a professional and fully documented manner. The procedure for handling complaints, concerns and appeals is disseminated through to students before and at enrolment, we follow a process to look at complaints, concerns, and appeals and deal with them fairly and equitably.

2. Natural justice and procedural fairness

There are three basic principles that apply to the process of dealing with complaints, concerns and appeals: the hearing rule, the bias rule and the no-evidence rule

'The hearing rule: The hearing rule demands that a decision maker must give an opportunity to a person whose interests may be adversely affected by their decision the opportunity to be heard'¹ (informing those involved of the allegations to present their side of the case)

1. 'The bias rule: The bias rule demands that the decision maker should be disinterested and/or unbiased in the matter to be decided. Justice should not only be done but be seen to be done. If fair-minded people would reasonably apprehend/suspect the decision maker has prejudged the matter, the rule is breached (often referred to as 'a reasonable apprehension of bias')'²
2. 'The no-evidence rule: The no-evidence rule means, in essence, that the decision that is eventually made must be based on logical evidence

¹ Government of South Australia, *What is meant by Principles of Natural Justice and Procedural Fairness?* 27 February 2015, <http://www.decd.sa.gov.au/docs/documents/1/NaturalJusticeandProcedur.pdf> 1.

² Ibid 1.

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(proven on the balance of probabilities – that is, the alleged behaviour is more likely to have occurred than not).

It is also important that in making decisions, administrative decision-makers:

- take into account relevant considerations;
- do not take into account irrelevant considerations;
- act for a proper purpose; and
- that the decision is not unreasonable in the sense that no reasonable decision-maker could have reached such a decision.³

Once a formal receipt of the complaint is received by the RTO, the RTO Manager will contact the student within 48 hours to confirm receipt of the form. The matter will be discussed by the RTO Manager and relevant staff and a written response will be provided back to the student within 10 working days from receipt of the Notice of Complaint form.

If the student is dissatisfied with the result, they may access external appeals at little or no cost to them.

3. Scope

This procedure applies to all current and prospective students, staff and third-party staff providing services on the RTO's behalf.

4. Responsible parties

The RTO Manager is responsible for the control and issue of this procedure (this may be delegated).

5. Complaints/concerns and appeals mechanism

ICG ensures that all students will have access to a fair and equitable process for dealing with complaints/concerns and will provide an avenue for students to appeal against such decisions that affect the student's progress. Every effort will be made by the RTO to resolve the student's complaints or concerns. To this end, the RTO Manager is the person to refer formal complaints/concerns. At the time of enrolment, the complaints, concerns procedure and appeals policy will be outlined to students.

³ Ibid 2.

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Should the student believe that the complaint is of a level that is highly sensitive and does not wish to discuss it with their trainer or submit the complaint form to the RTO Manager then they are welcome to submit the 'Complaint and Appeal' Form directly with the Chief Executive Officer (CEO). The CEO will meet with the student and consider the complaint following the same process as the RTO manager.

Note: if the complaint is about another student and/or trainer there may be a requirement to separate both parties until the issue is reviewed and then resolved. In some cases, there may be a need to contact external parties such as police or other authorities. The RTO manager and CEO will decide the seriousness of the issue.

Where a complaint/concern cannot be resolved internally, the RTO will provide a person independent of the RTO to hear the appeal/case.

The student is free to have one support person in attendance at the meeting(s). Where we consider that it will take longer than 60 days to process and finalise the complaint or appeal, we will formally advise the complainant or appellant in writing and include reasons why more than 60 days are required and provide regular updates on the progress of the matter.

Directive

- All prospective course participants will be provided with a copy of this Complaints and Appeals Policy and Procedure document
- All complaints, or appeals will be handled professionally and confidentially to achieve a satisfactory resolution
- All parties will have a clear understanding of the steps involved in the complaints and appeals procedure
- Course participants will be provided with details of external authorities they may approach if required
- All complaints and appeals will be managed fairly and equitably and as efficiently as possible
- All complaints and appeals and outcomes will be documented in writing
- The RTO will attempt to resolve any complaints within 10 working days from receipt of notice of complaint
- The decision-maker must be independent of the decision being reviewed (an assessor cannot consider an appeal on a decision they had previously made)
- The RTO will attempt to resolve any appeal within 10 working days from receipt of notice of appeals

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- All complaints and appeals will be dealt with fairly and equitably considering also the principles of natural justice and procedural fairness.
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6. Procedures

Course participants may raise any matters of concern relating to training delivery and assessment, the quality of the learning, course participants amenities, discrimination, sexual harassment and other issues that may arise.

This policy provides an avenue for most complaints, concerns and appeals to be addressed. However, in some cases, alternative measures may need to be explored. It is advisable for the student to contact the RTO Manager before lodging a formal complaint, to discuss other avenues available to them.

Complaints

Course participants, who feel they may have been unfairly treated or have not been given the full training that they expected may follow the steps listed below.

- The student should first discuss the matter with their trainer/assessor. If they are not satisfied the student may then:
 - Have the matter referred to the RTO Manager for consideration
 - The student must complete the Complaint and Appeal Form and submit this document to the RTO addressed to the RTO Manager. Ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the concern, complaint, who was involved, any appropriate evidence and witnesses etc...
 - The RTO Manager will contact the student within 48 hours to confirm receipt of form
 - The RTO Manager will discuss the circumstances with the Trainer and make a decision
 - The student will be contacted with the result within 10 working days of receipt of formal complaint, the student has 5 working days to respond to formal decision.

Appeals

- If the student is not satisfied with the outcome, the student may then formally request a face-to-face meeting with the RTO Manager to formally present their case in *appeal of the decision* of RTO Manager. Once this meeting has occurred, the Training Manager will respond formally within 24 hours.
- A written statement of the appeal outcome, including reasons for the decision will be documented and provided to the student

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- Where a complaint, concern, or appeal cannot be resolved through discussion and conciliation, the RTO acknowledges the need for an appropriate external and independent agent to mediate between the parties
- The RTO will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student

Assessment related matters

If the student has been advised that they are *Not Yet Competent*, but they believe that:

- They genuinely do have the required degree of competency; and
- They have provided reasonable proof of this to the RTO

The student may query or appeal the result.

The RTO Manager will ensure as far as reasonably possible that all students are satisfied with the fairness and accuracy of the assessment processes.

Note: The RTO will accept an appeal against an assessment decision for a period of no longer than *2 months* after the assessment decision date.

To appeal an assessment decision a student should follow the following steps.

1. Discuss the matter with the trainer/assessor. If not satisfied the course participant should then:
2. Refer the matter to the RTO Manager for consideration
3. The student must complete the Complaint and Appeal Form and send this document to the RTO addressed to the RTO Manager. Ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the appeal
4. The student will need to explain formally why they feel the Not Yet Competent result is not appropriate, and also attach a copy of the original Assessment Task. The RTO Manager will have the Assessment Task reviewed by another Trainer and contact the student with the written result within 10 working days of receipt of the appeal.
5. The student has 5 working days to respond to a formal decision
6. The student may then formally request a face-to-face meeting with the Training Manager to present his or her case in appeal of the decision of the RTO Manager. Once this meeting has occurred, the RTO Manager will respond formally within 24 hours
7. A written statement of the appeal outcome, including reasons for the decision will be documented and provided

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8. Where a complaint or appeal cannot be resolved through discussion and mediation, the RTO acknowledges the need for an appropriate external and independent agent to mediate between the parties
9. The RTO will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student
10. The appropriate party is independent of the RTO.

The mediator will encourage the parties to approach a complaint/appeal with an open view and to attempt to resolve problems through discussion and conciliation.

If the student is still dissatisfied with the outcome after the RTO has engaged an independent agent, [after the student has exhausted the RTO's internal complaints procedures], they may lodge a complaint with the Australian Skills Quality Authority.

Outcome

The outcome of complaints and appeals will be entered into Part C of the Complaints and Appeal Form. Where applicable, a corrective action will be generated and actioned within a set timeline. All complaints and appeals are acknowledged in writing and finalised as soon as practicable.

Note: refer to ASQAs website before making a complaint. Ref: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

If the student disagrees with the result of the appeal, they may lodge a complaint by contacting the National Training Complaints Hotline on 133873 or Consumer Affairs (within their particular State).

7. Records

The RTO will file records of all informal and formal discussions regarding complaints, concerns and appeals and will record such evidence on the student files and in the Student Management System database Axcelerate. If required, a Corrective Action (Complaint and Appeal Form) will be raised and actioned then filed in the Quality Compliance Folder and detailed in the Complaint and Appeals Register for future reference. Complaints, concerns and appeals submitted each month will be reviewed and discussed by management at the monthly Management Meetings and recorded in the Management Review Report. The corrective action record will be used to document correct actions/improvements

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to ensure that the complaint is documented fully to reduce or prevent the same issue from occurring.

Security of Records

All complaint and appeals records and their outcomes are securely maintained. The Compliance Management System is password-locked and maintains permission at different security levels, for example, the complaints, appeals and outcomes are on accessible by the CEO, Administration manager, and RTO manager.

The hard copies are locked in the student file archive room within locked filing cabinets, the only staff with keys are the CEO, college manager, and training manager.

This policy is publicly available.

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COMPLAINTS, CONCERNS AND APPEALS

Procedures:

- Complaints and appeals information needs to be in the student manual.
- Head of RTO to contact any student, staff or third-party contractor within 48 hours of receiving a complaint form.
- Student may wish to complain directly to the group CEO if sensitive issue or the complaint is about the Head of the RTO. In this instance, the CEO will meet directly with the complainant, who is entitled to have one support person present
- Matter is investigated; seriousness of the complaint evaluated and a response issued to student within 10 days. Some issues may require notification of authorities (such as police). If dealing with the complaint is likely to take more than 60 days, the complainant will be notified in writing why this is the case.
- Precise notes should be taken by the Head of the RTO at every stage of the process in case there is elevation of the complaint.
- Student may request an appeal of a decision. The Head of RTO should meet the student and respond with a decision within 24 hours.
- Student may request external mediation in the event an issue cannot be resolved and, if still unsatisfied, submit a complaint with ASQA

Reporting

The Complaints Register is on Sharepoint and will be reviewed on a monthly basis with regular updates of the Continuous Improvement Register once the complaint has been satisfactorily resolved.



Relevant internal forms

- Complaints and Appeals Form
- Complaints and Appeals Register
- Continuous Improvement Register

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