



# Policy 06: Complaints and Appeals Policy and Procedure

**TOID 90720**

## Compliance Reference

SRTOs 2015

- Standard 6 (Clauses 61, 6.2, 6.3, 6.4)

## Purpose

Hammond Institute aims to resolve complaints and appeals honestly, fairly and without bias and in an easily accessible manner which is inexpensive to the parties involved.

## Objective

The objective of this Policy and Procedure for Hammond Institute is to ensure that

- RTO provides a complaints and appeals avenue to participants
- Ensure complaints are processed in an appropriate timeframe.
- Treat all complaints with honesty, integrity and fairly.

For the purposes of this policy, the term "RTO" refers to Hammond Institute.

## Scope

This policy will apply to

- All current, prospective and previous students,
- All Staff
- Other RTO stakeholders.

## Terms and definitions

1. Grievance - a grievance is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by RTO, which the student brings to the attention of the RTO in an informal way, i.e. it is spoken about, not written down.

2. Complaint - a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing.
3. Complainant - student or potential student or a stakeholder lodging the grievance or complaint
4. Assessment Appeal - neither a grievance nor a complaint is about dissatisfaction in relation to an assessment process or outcome; that is an Assessment Appeal.
5. Appeal - if a student or stakeholder is dissatisfied with a decision made by the RTO, he/she has twenty (20) working days from the date stated within the written notification in which to lodge an appeal to have the case reviewed. This includes decisions relating to complaints outcomes and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehavior, refusals of transfer applications, and/or pending cancellation of enrolment, in case of students.

### Policy statement: Our commitment

This policy is according to the requirements of SRTOs 2015 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;
- c) A Learner of the RTO.

RTOs that manage complaints and appeals will benefit from increased satisfaction of learners.

RTO is committed to maintaining compliance with all regulatory, legislative and contractual requirements.

Specifically, we will:

- Take all grievances, complaints and appeals seriously
- Action within 10 working days of receipt of the complaint or appeal
- Act upon the subject of any grievances, complaint or appeal found to be substantiated
- Provide information to all prospective students about grievances, complaints and appeals procedure before making and agreement to enroll.
- Handle all grievances, complaints and appeals professionally and confidentially in order to achieve a satisfactory resolution.
- Manage all grievances, complaints and appeals fairly, equitably and as effectively as possible.
- Provide details of external authorities' complainant may approach, if required.
- Maintaining student enrollment whilst an internal complaint or appeal is in progress and the outcome has not been determined.

### General Processes

Policy aspect	RTO Implementation
Availability of Complaints and Appeals Policy and Procedures	The complaints and appeals policy and procedure and form are made available to all students and other stakeholders by directly contacting RTO, through the RTO's website, Pre-enrolment and Student handbook
Informal Complaints	Where possible all informal attempts shall be made to resolve the issue (Informal Compliant). This may include advice, discussions, meeting with the student or stakeholder, emails and general mediation in relation to the issue and the student/stakeholder issue. Any staff member 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.

Receive and acknowledge the Formal complaint	<p><b>Complaints</b></p> <p>Any student, potential student, employee or third party may submit a formal complaint to RTO 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</p> <p>Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the Chief Executive Officer (CEO).</p> <p>Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at RTO, or through the RTO website.</p> <ol style="list-style-type: none"> <li>As per policy, complaints are to be made in writing by the complainant.</li> <li>The RTO should review all complaints upon receipt.</li> <li>Acknowledge receipt of complaint in writing by sending a letter to complainant or email.</li> <li>Record details of the complaint on the Complaints and Appeals Register.</li> </ol>
Review of Complaint or Appeal	Once a complaint or appeal is received and checked for it should be forwarded to the appropriate review person for review.
Cost	There will be no charge to the complainant or appellant for the lodgement or presentation of their case. Incidental expenses for attending RTO offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.
Presentation of case	ALL complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost.
Determination	<p>The Review Person may gather evidence and constitute a review committee as they see fit.</p> <p>This process must be commenced within 10 working days of the lodgement of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable time period usually 10- 15 working days.</p> <p>If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as possible and within 5 working days asking for evidence.</p> <p>The process will be put on hold until the evidence is received. How a decision is reached will be advised in the written response to the complainant or appellant.</p>
Timescale	The complaint or appeal should normally be commenced within 10 working days of the receipt of the completed form and associated supporting material. See "Determination" above in relation to request of supplementary information.
Appeal following a complaint	If the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.
Formal response to a complaint	A template for a formal written response has been developed for when the complaint is accepted or rejected. This included the complainant's right to access the Internal Appeals process.
Formal response to an appeal	A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant's right to access the External Appeal process.
Documentation	ALL documentation relating to a formal complaint or appeal MUST be recorded on the student file.

	<p>This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidently and stored securely for 7 years.</p> <p>Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified and RTO takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p>
Complaints and Appeals Register	All formal complaints or appeals must be logged in the Complaints and Appeals Register
Learning	A complaint or appeal is a learning opportunity for RTO. The outcome will be an input to the continuous improvement process. Any decisions that support students will be immediately implemented.
Standards for Registered Training Organisations 2015	<p>Subject to Clause 6.6, to be compliant with Standard 6 RTO has the following procedures in place:</p> <ol style="list-style-type: none"> <li>1. RTO has a complaints policy to manage and respond to allegations involving the conduct of: <ol style="list-style-type: none"> <li>a) RTO, its trainers, assessors or other staff;</li> <li>b) a third party providing services on RTO's behalf, its trainers, assessors or other staff; or</li> <li>c) a student of RTO.</li> </ol> </li> <li>2. RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by RTO or a third party providing services on the RTO's behalf.</li> <li>3. RTO's complaints policy and appeals policy ensure: <ol style="list-style-type: none"> <li>a) the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</li> <li>b) are publicly available;</li> <li>c) set out the procedure for making a complaint or requesting an appeal;</li> <li>d) complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</li> <li>e) provide for review by an appropriate party independent of 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.</li> </ol> </li> <li>4. Where RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, RTO: <ol style="list-style-type: none"> <li>a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</li> <li>b) regularly updates the complainant or appellant on the progress of the matter.</li> </ol> </li> </ol>

## Procedures

Complaints may be made in relation to any of RTO's services and activities such as:

- The application and enrolment process
- Marketing information
- The quality of training and assessment provided
- Training and assessment matters, including student progress, student support and assessment requirements
- Student amenities and facilities

- Discrimination
- Sexual harassment
- The way someone has been treated
- The actions of another student
- Other issues that may arise

Appeals should be made to request that a decision made by RTO is reviewed. Decisions may have been about:

- Course admissions
- Refund assessments
- Response to a complaint
- Assessment outcomes / results
- Other general decisions made by RTO

RTO is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, RTO ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

The complaints and appeals policy and procedure and form are made available to all students and potential students by directly contacting RTO, through the RTO's website, Pre-enrolment process and Student handbook.

Where possible, all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the student, emails and general mediation in relation to the issue and the student's issue. Any staff member 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.

If a student is uncomfortable in speaking directly to the person involved or the informal process does not resolve the issue to the student's satisfaction, the formal process should be followed as described below.

Where a student is unhappy with the outcome of an assessment decision, this will be dealt with under assessment appeals. Please refer to Assessment appeals in the Appeals section.

RTO reduce client complaints through:

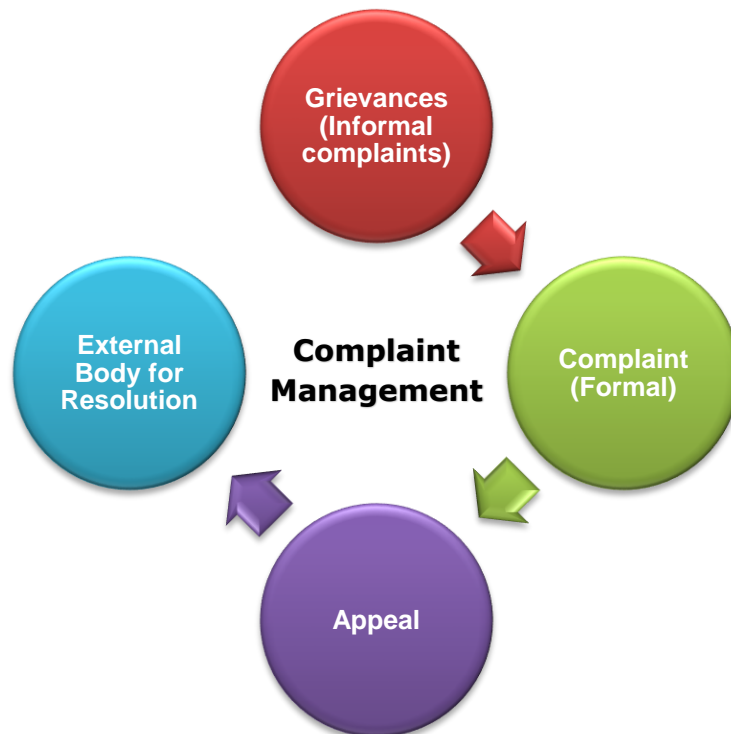
- providing excellent ongoing customer service
- addressing complaints quickly and fairly

- making sure similar kind of complaint/incident does not occur again

When a client has a genuine complaint, RTO may:

- thank them for raising the matter
- treat them with genuine empathy, courtesy, patience, honesty and fairness
- respond to the complaint quickly
- tell the client how RTO will handle it and when to expect a response.
- speak to the complainant in person.

Diagram of the Different Steps/ Procedures in the complaints management system:



### ***Grievance management and handling (Informal complaints)***

Students or potential students or stakeholders are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer about his/her concerns, issues about fees should be discussed in the first instance with the CEO.

If the student or potential student or stakeholder has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, then he/she may discuss the issue with the Compliance manager(CM). He/she may be accompanied or assisted by a support person during this process.

The CEO will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the complainant and the person(s) concerned.

Within ten (10) days of receiving the grievance, the Compliance Manager (CM) will provide the complainant and any other person(s) directly concerned with a written report summarizing the actions that were taken, or will be taken, to resolve the issue.

If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.

### ***Complaint Management and Handling (Formal complaints)***

Students or any other stakeholders who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. There is no cost for the complaints process unless it is referred to a third party. Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.

Any person wishing to submit a formal complaint can do so by completing the Complaints and Appeals Form and state their case, providing as many details as possible. This form can be obtained by contacting Administration staff at RTO, or through the RTO website.

All formally submitted complaints are submitted to the CEO.

Once a formal complaint is received it will be entered in the Complaints and Appeals Register and written acknowledgment will send to complainant which is monitored by the Compliance Manager (CM) regularly. The information to be contained and updated within the register is as follows:

- The name of the complainant
- Date of the complaint
- Type of complaint
- Name of investigating officer/business unit assigned to deal with the complaint
- Response from those involved in the allegations
- Analysis of the matter
- Outcome of complaint
- Action recommended to address systemic issues (if any)
- Time taken to investigate complaint
- Complainant satisfaction with the outcome.

A student may be assisted or accompanied by a support person at any face to face meetings regardless of the nature of the issue or complaint throughout the process at all times.

The CEO will then refer the matter to the appropriate staff members to resolve, or make a decision 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.

Where a decision is expected to take longer than 60 days, RTO will advise the student in writing of the delay and including the reasons for the delay. Thereafter the student will be provided with weekly updates in writing of the progress of the complaint or appeal. Weekly updates to both complainant and appellant will be provided by the CEO. If decision is taking more than 60 days' matter can be forwarded to an external complaint resolution organisation as well for resolution.

Once a decision has been reached, the CEO will inform all parties involved in writing. Where the complaint process does not find in favor of the complainant, s/he will be notified that they have the right of appeal. To appeal a decision, the RTO must receive, in writing, grounds of the appeal within 10 days of the date of the notice of the decision.

The CEO ensures that RTO will act immediately on any complaint where the complaints process results in a decision that supports the complainant. RTO will immediately implement any decision and/or corrective and preventative action that are required, and advise the student of the outcome.

Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the CEO or representative and also in the student's file, in case of student as complainant.

Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:

- Contact a solicitor; or
- Contact the Law Institute of Victoria, 470 Bourke St., Melbourne 3000, and telephone 03 9602 5000 for a referral to a solicitor.

## **Appeals**

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

- Any other conclusion/decision that is made after a complaint has been dealt with RTO in the first instance as described in the complaints process above. This is referred to as a general appeals)
- Assessments decisions as set out below (assessment appeals).

To activate the appeals process, the complainant must complete a Complaints and Appeals Form that 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 RTO staff.

With regard to general appeals, compliance manager (CM) determines the validity of the appeal and organizes a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.

The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

CM ensures RTO acts on any substantiated appeal.

### **General Appeals**

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

The appeal shall be lodged through CM or a nominee appointed by CM. An RTO representative must record the details in the Complaints and Appeals Register.



The CM or a nominee appointed by CM will be notified and will seek details regarding the initial documentation of the complaint and make a decision based on the grounds of the appeal.

The appellant will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated particularly the student will 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 RTO 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 Trainer in the first instance. Where appropriate their Trainer may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer 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 may formally lodge an appeal. They will lodge this with the CM or a nominee appointed by the CM and the appeal will be entered in the Complaints and Appeals Register.

The CM will be notified and will seek details from the Trainer involved and any other relevant parties. A decision will 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 will be another Trainer/Assessor appointed by RTO.

The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register will be updated. The student will 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 RTO if they wish to proceed with the external appeals process.

### **External Appeals**

If not satisfied with the general appeal processes, the complainant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by RTO for that purpose.

The details of these external bodies are as follows:

Resolution Institute, previously as LEADR and IAMA, has been accrediting mediators since the mid-1990s. <https://www.resolution.institute/>

Or

The Dispute Settlement Centre of Victoria (DSCV)

Dispute Assessment Officer

Level 4, 456 Lonsdale Street

Melbourne VIC 3000 Tel: 9603 8370 <http://www.disputes.vic.gov.au>

Or Overseas Students Ombudsman (For International students only) at Website: <http://www.oso.gov.au>

The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between RTO and the complainant.

The RTO will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.

Further information

If a client (student or other client) is still dissatisfied with the decision of RTO, they may wish to seek advice or make a complaint about RTO to ASQA directly. If, after RTO's internal complaints and appeals processes have been completed, you still believe RTO is breaching or has breached its legal requirements, you can submit a complaint to ASQA by completing the "The Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA will not be able to act as your advocate the lodgement of your complaint will inform ASQA's risk assessment of RTO and a complaint audit may be conducted.

Contact details for ASQA are:

Australian Skills Quality Authority

Melbourne - Level 6, 595 Collins Street

Brisbane - Level 7, 215 Adelaide Street

Sydney - Level 10, 255 Elizabeth Street

Canberra - Ground Floor, 64 Northbourne Avenue

Perth - Level 11, 250 St Georges Terrace Adelaide - Level 5, 115 Grenfell Street Hobart - Level 11, 188 Collins Street Telephone: 1300 701 801

Email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au) Website: [www.asqa.gov.au](http://www.asqa.gov.au)

RTO Staff may also use this complaints and appeals process. RTO will use all complaints as an opportunity for continuous improvement.

This policy and procedure is compliant with VQF and National Code Standards in providing a process for complaints and appeals to be heard and actioned where necessary.

### ***Principles of natural justice and procedural fairness***

- All parties to a complaint or appeal have the opportunity to put their case and have this properly considered
- Any allegation against a RTO staff member or member of a subcontractor party is made known to that person and RTO will provide an opportunity to present their side of the matter
- Investigations and decisions are made by persons who do not exercise bias
- A complainant should feel confident that they will not suffer any discrimination as a result of using the complaint or appeal process
- Confidentiality shall be maintained to the extent of the people that need to be directly involved in the complaint or appeal process.
- All the information regarding this policy can be found:
- On the RTO website;
  - In the Pre-Enrolment Handbook and Student Handbook;
  - In the Staff Handbook;
  - In the Letter of Offer and Agreement;
  - During Orientation;

- The student can be supported or accompanied by an independent person or friend during the complaints and appeals process.
- It is normal RTO policy that whilst a student is going through any formal complaint or appeals process that the student remains enrolled at RTO and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the students favour.
- RTO has a fair and transparent informal and formal complaints and appeals process, but should the student require it, access is available to an independent mediator who can review the complaint and/or appeals process.

NOTE: If the outcome is in the appellant's favour then RTO will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

## Continuous Improvement

A summary of all continuous improvement related matters and concerns will be presented as a part of the Continuous Improvement policy and procedure at the Management Meeting for review. The purpose of this is to ensure management become aware of:

- repeat issues
- common threads relating to the compliance and quality assurance.
- (when viewed collectively) any general adverse trend that needs correcting

## Confidentiality and Privacy Statement

For more Information, please refer to our Privacy and Confidentiality Policy.

## Publication

This policy, once approved, will be available to all students and staff by accessing it from the RTO website.

This policy and procedure will form part of the information distributed and communicated during staff orientation.

## Review processes

Policy review frequency: Annually	Responsibility for review: Compliance Manager (CM)
Documentation and communication: Describe how the policy decisions will be documented and communicated	
Version 4.0 <ul style="list-style-type: none"> <li>Major updates are made after an Internal audit</li> <li>Policy is reviewed for grammatical errors</li> <li>Policy is forwarded to all staff members via an email</li> <li>Policy is uploaded to the website</li> </ul>	

