

Complaints and Appeals Policy

1 Purpose

The purpose of this policy is to describe how grievances of an academic or non-academic nature are addressed effectively, efficiently, professionally and confidentially by the RTO.

2 Scope

This policy applies to all academic and non-academic grievances in response to allegations involving conduct of:

- the Institute and its staff;
- a third party agent or related entities of the Institute; or
- a student.

3 Definitions

Academic Grievance: refers to a grievance about assessment, student academic progress, course content or academic achievement.

Complainant refers to:

- a student who is enrolled in a course of study with the Institute;
- applicants seeking admission to the Institute; and
- staff of the Institute.

Non-Academic Grievance: Non-academic matters include:

- complaints in relation to privacy/personal information and the use or misuse of personal information;
- harassment;
- vilification;
- discrimination;
- financial matters;
- fines and payments;
- application procedures;
- exclusion from events, facilities or the Institute;
- marketing and advertising material; and
- critical inquiry.

Respondent: the person who responds to a complaint.

Whistleblower: refers to a person who raises a complaint that is concerned with behaviour that is unethical or illegal.

4 Requirements

The Institute must ensure that:

- staff, students and applicants have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the Institute, its agents or related parties;
- there are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal;
- the principles of natural justice and procedural fairness are adopted at every state of the complaints and appeals process;

- the policy is publicly available and sets out the procedure for making a complaint or requesting an appeal;
- complaints and requests are acknowledged in writing;
- each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
- the process commences within 10 working days of the formal lodgment of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable;
- complaints handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance;
- decisions about formal complaints and appeals are recorded and the complainant is informed in writing of the outcome and the reasons;
- the student is informed of his or her right to access the external appeals process at minimal or no cost where the student is not satisfied with the result or conduct of the internal complaint handling and appeals process;
- the enrolment of a student who chooses to access the Institute's complaints and appeals process is maintained while the complaints and appeals process is ongoing;
- if the internal or any external complaint handling or appeal process results in a decision that supports the student, the Institute must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome; and
- if a formal complaint or appeal is upheld, any action required is initiated promptly.

Where the Institute considers more than 60 calendar days are required to process and finalise the complaint or appeal, the Institute:

- informs the complainant or appellant in writing, including reasons why more than 60 calendar are required; and
- regularly updates the complainant or appellant on the progress of the matter.

5 Policy Principles

5.1 General Principles

The following principles will apply:

- all disputes or grievances will be handled professionally and confidentially, and will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeals process in order to achieve a satisfactory outcome;
- complainants are entitled to use the grievance procedures set out in this policy regardless of the location of the campus at which the grievance has arisen, the student's place or residence or the mode in which they study;
- an academic or non-academic complaint or appeal is deemed to be a formal grievance, complaint or appeal when it is lodged in writing with the Institute;
- all parties will have a clear understanding of the three (3) steps involved in the grievance procedure;
- the complainant will be provided with the opportunity to present their case at each stage of the grievance process;
- all grievances will be managed fairly and equitably and as efficiently as possible;
- the complainant will not be victimised or discriminated against in any stage set out in this Complaints and Appeals procedure, nor as a result of a grievance being raised;
- the Institute will encourage the parties to approach a grievance with an open view and attempt to resolve issues through discussion and conciliation. This policy provides an avenue for most grievances to be addressed. However, where a grievance cannot be resolved through discussion and conciliation internally, the Institute acknowledges the need for an appropriate external and independent mediator to moderate between the parties, as set in the grievance procedures below;
- this policy is communicated to all Trainers and Assessors and administrative staff through the Institute's policy and procedure manual, annual training and the Institute's website. The RTO Manager is responsible for ensuring all staff are adequately trained in the application of this policy;
- at all stages of the process, the student and/or respondent has the right to be represented by a third person (such a family member, friend or counsellor) if they so desire; and

- at all stages of the process, discussions relating to complaints, grievances and appeals are to be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given by the respondent.

5.2 Whistleblowing

Complaints can be lodged anonymously, however, it should be noted that this will present difficulties in conducting an investigation without supporting evidence. It will be at the discretion of the Institute as to whether an anonymous complaint is investigated.

5.3 Privacy

The Institute acknowledges and respects the privacy of all applicants, staff and students. It is required under the Privacy Act to comply with the Australian Privacy Principles in respect of the collection, use and disclosure of personal information from individuals. All records of grievances and their outcome will be stored and kept strictly confidential.

Records of all grievances, applications for review of decisions and outcomes of the grievance process will be kept strictly confidential and stored with the RTO Manager for a period of five years. All parties to the complaint will be allowed supervised access to these records at the discretion of the RTO Manager.

5.4 Continuous Improvement

Any improvement arising from a student complaint, grievance or appeal will be recorded in the Institute's continuous improvement register. This register will be reviewed by the CEO of the Institute on a quarterly basis and communicated to the Board of Directors.

6 Procedures

Complainants have three stages at which a complaint may be addressed. Each stage is free of charge to the complainant except when the dispute is referred to an external mediator, where any cost charged will be shared equally by the Institute and the complainant.

All students will be provided with information about the complaints and appeals process which will be made available in the Student Handbook provided to students prior to enrolment and during orientation.

Stage 1

It is in the complainant's best interests for a dispute to be resolved amicably and at an early stage. Initially, any complaints or grievances should be discussed with the individual's involved. If this is impracticable or unsatisfactory, complainants should communicate with the Administration Manager.

The dispute resolution process will commence within 5 days of receipt of the complaint. This will involve the documentation of the complaint and a resolution being sought within 14 days of the receipt of the complaint. If the complaint is not resolved within the required time, the complainant should proceed to Stage 2.

Stage 2

If the complainant is dissatisfied with the outcome in Stage 1, the complainant should lodge a formal written complaint using the approved Grievance and Complaint Form available on the Institute's website. The dispute resolution process will commence within 10 working days of receipt of the complaint.

The complainant should address the form to the RTO Manager who may seek the involvement of the Complaints and Appeals Committee, within a reasonable time. The decision or actions will be documented and the outcome given in writing to the complainant as soon as practicable.

Membership of the Complaints and Appeals Committee will be nominated by the RTO Manager and will comprise at least four (4) members, provided no conflict of interest arises:

- a Director of the Institute (as Chair);
- a student representative;

- support person; and
- an independent representative of the Institute.

If the matter remains unresolved the complainant can proceed to Stage 3.

Stage 3

If the complainant is not satisfied with the decision of the Complaints and Appeals Committee in Stage 2, the complainant may request that the matter be referred to an external mediation process by the body appointed by the Institute . Any fees charged by the external review will be shared equally by the Institute and the complainant.

Stage 4 will be addressed within 30 days.

Any recommendations arising from an external review will be implemented within 21 days of receipt.

Guidelines:

Where the Institute considers more than 60 calendar days are required to process and finalise the complaint or appeal, the Institute will:

- inform the complainant in writing, including reasons why more than 60 calendar days is required, and
- regularly update the complainant on the progress of the matter.

The Institute will:

- keep confidential and accurate records of all grievances for at least five years and allow parties to the complaint appropriate access to the records;
- ensure the enrolment of a student who chooses to access the Institute's complaints and appeals process is maintained while the complaints process is ongoing;
- advise students of the outcome of the complaints and appeals process in writing;
- immediately implement any decision and/or preventative action required;
- securely maintain records of all complaints and appeals and their outcomes; and
- identify potential causes of complaints and appeals and take appropriate corrective to eliminate or mitigate the likelihood of reoccurrence.

7 Policy Review

This policy shall be reviewed every five years or earlier if required.

Lea Zerbes
CEO