

Complaints and appeals - Policy and procedure

Section 1 of this policy and procedure sets out how the RTO addresses a complaint or appeal it receives relating to its officers, students or third parties providing services on behalf of the school RTO.

Relevant Standards: 2.2(b), 5.2(d), (i), 6.1–6.5

Complaints

Complaints policy and procedure			
Policy	Inform	Act	Record and review
<ul style="list-style-type: none"> Complaints received by the RTO will be acknowledged in writing and finalised as soon as practicable. Complaints can involve the conduct of the RTO's officers, students or third-party service providers of the RTO. Any RTO officer may receive a complaint verbally, in writing or electronically. The RTO identifies two types of complaints: <ul style="list-style-type: none"> type 1: allegations of inappropriate behaviour and/or child protection. These allegations are processed according to the RTO's complaints policy and procedure type 2: all other complaints. Without limiting the action in type 1 complaints, this complaints policy is publicly available and upholds the principles of natural justice and procedural fairness. A review of the issues that triggered the complaint is undertaken. The review aims to identify corrective actions that will eliminate or mitigate the likelihood of a similar complaint occurring in the future. Records of complaints are securely retained and registered in the RTO's <i>Complaints and appeals register</i>. 	<ul style="list-style-type: none"> On receipt of a complaint, the delegated RTO Complaints officer: <ul style="list-style-type: none"> provides written acknowledgment to the complainant informs both the complainant and the respondent of their right to be assisted by a support person or representative throughout the complaint process communicates on the progress of the proceedings to the complainant and the respondent throughout the complaint process if the complaint relates to the conduct of a third-party service provider, the Complaints officer informs the third party on receipt of the complaint and communicates progress on the proceedings with the third party. All communication by the RTO complies with the RTO's privacy policy and personal information management. 	<ul style="list-style-type: none"> The RTO officer receiving the complaint forwards it to the RTO Complaints officer (unless it relates to the Complaints officer, in which case it is forwarded to the Principal). For type 1 complaints, the Complaints officer follows the school's complaints policy and procedure in accordance with the student protection policy. For type 2 complaints, the Complaints officer: <ul style="list-style-type: none"> organises a mediation process that is non-threatening to the complainant establishes a review by an appropriate party independent of the RTO if mediation has not resolved the complaint refers the complainant to the QCAA website for further information about complaint processes if the complainant is still not satisfied. Students are informed that they may lodge a complaint to QCAA only after exhausting this complaints and appeals policy and procedure. 	<ul style="list-style-type: none"> The Complaints officer: <ul style="list-style-type: none"> establishes a written record for each complaint received updates the record throughout the complaint process. The RTO Manager: <ul style="list-style-type: none"> registers the complaint in the RTO's <i>Complaints and appeals register</i> securely retains all complaint records reviews each complaint process to identify corrective action/s that eliminate or mitigate the likelihood of reoccurrence ensures corrective actions are implemented including those actions impacting on any third-party arrangements.

Requirements for processing complaints

Complaints	Forwarding complaints	Timeframe	Impacting policies and procedures
<ul style="list-style-type: none"> The receiving RTO officer informs the complainant that an appropriate delegated RTO officer will contact them regarding the complaint. Whenever applicable, the receiving RTO officer ensures that the safety of the complainant is maintained. 	<ul style="list-style-type: none"> For type 1 complaints, the receiving RTO officer immediately commences to implement the school's complaints or child protection policy. For all other complaints, the receiving officer forwards the complaint to the RTO's Complaints officer for processing (unless it relates to the Complaints officer, in which case it is forwarded to the Principal). The Complaints officer is responsible for ensuring a written record is established for all complaints received (unless it relates to the Complaints officer, in which case the Principal is responsible). 	<ul style="list-style-type: none"> The Complaints officer finalises complaints within 60 calendar days. If more than 60 days are required, the complainant and respondent are informed in writing of the reasons for the need to extend the time required to finalise the complaint. 	<p>Policies that must be considered in conjunction with this policy and procedure include the school's:</p> <ul style="list-style-type: none"> privacy policy student protection policy.

Appeals

Appeals policy and procedure				
Policy	Inform	Act	Record	Review
<ul style="list-style-type: none"> • All appeals received by the RTO will be acknowledged in writing and finalised as soon as practicable. • Two types of appeal may be lodged: <ul style="list-style-type: none"> – appeal of final assessment decision – appeal of any other RTO decision. • This policy is publicly available and upholds the principles of natural justice and procedural fairness. • A record of each appeal process is reviewed to identify and implement corrective actions that aim to eliminate or mitigate the likelihood of reoccurrence. • Records of appeals are securely retained and registered in the RTO's <i>Complaints and appeals register</i>. 	<ul style="list-style-type: none"> • The RTO Manager provides written acknowledgment to the appellant. • On receipt of an appeal, the RTO Manager informs a third party of the appeal if the appeal relates to a decision made by an employee of the third party. • The RTO Manager communicates the progression of the appeal to all parties throughout the appeals process. 	<ul style="list-style-type: none"> • When appealing final assessment decisions, the RTO Manager actions the following process: <ul style="list-style-type: none"> – appellant's trainer/assessor reviews the decision – if the appellant is not satisfied, an independent trainer/assessor reviews the assessment decision – if the appellant is still not satisfied, the RTO Manager refers the appellant to the RTO's complaints policy and procedure. • For all other appeals: <ul style="list-style-type: none"> – the RTO Manager reviews the original decision – if the appellant is not satisfied, an appropriate independent party reviews the RTO's decision – if the appellant is still not satisfied, the RTO Manager refers the appellant to the RTO's complaints policy and procedure. 	<p>The RTO Manager:</p> <ul style="list-style-type: none"> • establishes a written record for each appeal received • updates the record throughout the appeal process • registers the appeal in the RTO's <i>Complaints and appeals register</i> • securely retains all appeal records. 	<p>The RTO Manager:</p> <ul style="list-style-type: none"> • reviews each appeal process to identify corrective actions that eliminate or mitigate the likelihood of reoccurrence • ensures corrective actions are implemented including those actions impacting on any third party arrangements.

Requirements for processing appeals

Appeals	Forwarding appeals	Timeframe	Assessment result appeals
<p>Appeals must be submitted to the RTO in writing using the RTO's Appeal form.</p>	<p>If the appeal relates to a decision made by the RTO Manager, the appeal is forwarded to the Principal for actioning.</p>	<ul style="list-style-type: none"> • The RTO Manager finalises appeals within 60 calendar days. • If more than 60 days are required, the appellant is informed in writing of the reasons for the need to extend the time required to finalise the appeal. 	<p>For assessment results appeals, the RTO Manager ensures the appeals process is informed by the:</p> <ul style="list-style-type: none"> • assessment requirements of the relevant training package or accredited course • Principles of Assessment • Rules of Evidence.

Section 4 Explanation of terms

This policy and procedure contains words and expressions which have specific meaning.

Glossary	
Term	Meaning
Appeal	Is a request made by a student or stakeholder of the RTO to review or reconsider a decision made by an RTO officer or a third party providing services on behalf of the RTO.
Appellant	Someone appealing a decision of the school RTO.
Appropriate independent party	Is a person or persons independent of the RTO accepted as independent by both the complainant/appellant and the RTO and who holds expertise relevant to the complaint/appeal.
Child/student protection	<p>A child in need of protection, as defined in s.10 of the <i>Child Protection Act 1999</i> (Qld), is a child who:</p> <ul style="list-style-type: none"> • has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and • may not have a parent able and willing to protect the child from the harm. <p>Refer to individual Sector websites.</p>
Complainant	Any stakeholder who makes a complaint to the school RTO directly or through a third party nominated by the complainant.
Complaint	An objection to something that is considered by the complainant to be unfair and/or unacceptable. A complaint can be made verbally or in writing. Complaints include allegations.
Delegated RTO Complaints officer	Also referred to as the Complaints officer. A person delegated by the Principal to ensure the process followed in addressing complaints received by the RTO complies with this policy and procedure.
Evaluate	Assess the findings of the monitoring to determine if the complaints and appeals process is being followed and adhered to.
Mediation	The structured process in which an independent person, known as a mediator, assists the complainant/appellant and the respondent to identify the issue/s of concern and negotiate an outcome acceptable to both. The mediator must ensure at all times that the complainant/appellant does not feel threatened or at risk.
Monitor	The ongoing process of regularly collecting and analysing relevant information to determine if the requirements for handling complaints and appeals is being met.
Natural justice	The rule against bias and the right to a fair hearing. That is, a duty to act fairly and reasonably.
Procedural fairness	<ol style="list-style-type: none"> 1. Procedural fairness relating to complaints and non-assessment appeals is concerned with the procedures used by a decision-maker rather than the outcome reached. It is considered that a decision-maker who follows a fair procedure will reach a fair and correct decision. 2. Procedural fairness relating to assessment appeals ensures the review process complies with the principles of assessment and rules of evidence outlined in the Standards.

Record	A securely maintained written, printed, or electronic document outlining a complaint or appeal and the outcomes resulting from the application of this policy and procedure.
Respondent	Someone subjected to a complaint or appeal. OR the person against whom a complaint or appeal is brought.
Review	Changes are made to practices or the agreement to ensure quality services are being delivered and meet the needs of the students.
Stakeholder	Anybody who can affect or is affected by the school RTO. They can be internal (students, parents/carers, employees, volunteers and third parties delivering services on behalf of the RTO) or external.
Standards	The current NVR Standards for Registered Training Organisations (RTOs).
Systematic monitoring	The process of collecting, analysing and using information to track progress towards maintaining compliance and consistency across the RTO's operations.
Timeframe	Number of calendar days between the receipt date of the complaint or appeal and the finalisation date of the review process. This timeframe should not exceed 60 calendar days. Refer to this policy and procedure for the process to be followed if this timeframe is not likely to be met.