



**RTO PP05
Complaints
and
Appeals**

Policy – Procedure

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Policy

Qualify has a defined and transparent Complaints and Appeals process sufficiently broad to cover its activities. Qualify will ensure students' Complaints and Appeals are recorded, acknowledged and dealt with fairly. The procedure provides the mechanisms for students to have their Complaints and Appeals addressed efficiently and effectively, and by an independent party if necessary. This Complaints policy is also publicly available.

Policy Statements

1. Qualify has a Complaints Policy to manage and respond to allegations involving the conduct of its Trainers / Assessors or other staff and students enrolled in a training program with the RTO.
2. Qualify has an Appeals Policy to manage requests for a review of decisions, including assessment decisions made by Assessors.
3. Qualify Complaints and Appeals policy ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and;
 - a. are publicly available;
 - b. set out the procedure for making a complaint or requesting an appeal;
 - c. ensure complaints and requests for an appeal are acknowledged in writing and finalised within 30 days.
4. Qualify will provide the option for review by an appropriate independent party at the request of the individual making the complaint or appeal, if the process fails to resolve the complaint or appeal.
5. Qualify will securely maintains records of all Complaints and Appeals and their outcomes, and identify the potential cause of Complaints and Appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Definitions

Complaints

Complaints arise when a client is not satisfied with any aspect of the RTO for example:

- a. procedures;
- b. quality of a product or service provided by Qualify;
- c. Facilitators, staff or other students.

Appeal

Appeals arise when a client is not satisfied with the decision made as a result of the complaint.

- Qualify recognises the differences between Complaints and Appeals. A quick resolution of the matter is in the best interest of all parties concerned.

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- Appeals may also arise when a student is not satisfied with an assessment outcome.

This procedure is in the Student Handbook.

Statutory References

- National Vocational Education and Training Regulator Act 2011
- Standards for RTO's 2015
- SNR 6 Complaints and Appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively. Specific Clauses 6.1 – 6.5

Process

Informal Resolution as the first step

Where possible, non-formal attempts shall be made to resolve the students' complaint. Qualify encourages open communication in environment of trust. Therefore, any student with a complaint is encouraged to raise the matter directly with the party concerned in an attempt to resolve the issue mutually.

To ensure a record of the informal complaint is maintained, all details of the informal complaints must be emailed to the General Manager, Operations who will update the Complaints and Appeals Register accordingly. The General Manager, Operations identify the potential causes of the complaint and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Any member of staff can be involved in the informal process to resolve issues but if the student wishes to place a formal complaint, then the following process must be followed:

Formal Complaints

1. Any student, potential student or 3rd party may submit a formal complaint to Qualify with the reasonable expectation all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to an independent party for resolution.
2. Complaints are directed immediately to the General Manager, Operations, who either investigates them or refers them to the relevant supervisor if there is any conflict of interest (e.g. if the complaint is about the conduct of the General Manager, Operations then the complaint is referred to the CEO).
3. A student or client who wishes to submit a formal complaint can do so by completing the 'Complaints and Appeals Form' located on the Qualify website or they can obtain a copy of the form from the Qualify office or Facilitator.
4. Complaints are submitted in writing within 7 days of the occurrence or incident taking place
5. When appealing an assessment result, the application should occur 14 days after the result being given to the student.
6. Qualify will review complaints or appeals raised within these time periods. If the complaint or appeal is raised outside these timeframes, then the complaint or appeal will be considered only in exceptional or compelling circumstances.

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7. Qualify staff will conduct separate interviews with the person making the complaint and where necessary the person the complaint is about.
8. The complaint/appeal must be submitted in writing, it must not be anonymous and it must be forwarded to the General Manager, Operations. All formal complaints submitted must contain as many details as possible:
 - a. Date complaint was submitted
 - b. Name of complainant
 - c. Nature of complaint and brief description
 - d. Date of the event which led to the complaint
 - e. A description of a possible desired outcome
 - f. Attachments (if applicable)
9. Once a complaint has been received, the details will be recorded in the 'Complaints and Appeals Register'. This spreadsheet is monitored weekly by the General Manager, Operations. The information included for retention on the register includes:
 - a. Date the complaint was submitted
 - b. Name of complainant
 - c. Description of complaint
 - d. The resolution once agreed
 - e. Date of resolution
10. After submission of the complaint, Qualify will acknowledge receipt and contact the student/client of the status of the complaint within 10 days of receiving the written complaint.
11. If required, relevant staff will be informed and given the opportunity to address the complaint through discussion and negotiation. A written statement by staff may be submitted if required.
12. The student has the right to be accompanied by any person of their choice during the complaints or appeals process.
13. Once a complaint has been logged in the 'Complaints and Appeals Register' by the General Manager, Operations, the Director will be notified of the complaint and will be provided with all relevant documentation related to the matter.
14. The General Manager, Operations and Director shall then refer the matter to the appropriate staff member/s to resolve or make a decision regarding the complaint within 10 working days.
15. Once a decision has been reached, the General Manager, Operations will notify all relevant parties involved of the outcome of the complaint in writing within fourteen (14) working days where possible from the date the complaint was first received. When notifying the student of the outcome, the student will be advised of their right to appeal the decision made by Qualify. Students will be referred to the appeals procedure as outlined below.

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16. If necessary, consultation with independent external agencies regarding issues raised will occur and necessary actions to resolving the issues will be taken.
17. A mediator can be provided by the Australian Mediation Association - Commercial and Business Mediation. Qualify agrees to pay the cost of one mediation session of up to two hours and advises that, should the matter require further mediation, it will be at the cost of the complainant or appellant.
18. In the event of serious breaches to policy, practice or professional conduct, either party, being Qualify or the affected student/client, may wish to seek legal advice at either party's own expense.
19. The student will be given a written statement on the outcome, including reasons for the outcome within 30 days of receiving the complaint, in the event the complaint cannot be resolved within 30 days Edge Work Force will inform the complainant in writing and include the reason why the matter cannot be resolved.
20. All documents relating to the complaint will be stored electronically and on the students' record.
21. Copies of all documentation, outcomes and further action required will be placed on the 'Complaints and Appeals Register' by the General Manager, Operations and on the students' file.
22. All information gathered during the complaints/appeal will be reviewed by Senior Management, at quarterly meeting to identify the potential causes of the complaint and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Appeal Process

1. If the student is not satisfied with the outcome from the formal complaint, then they have the right to appeal the decision made by Qualify where reasonable grounds can be established.
2. The areas a student may appeal a decision made by Qualify may include:
 - Assessment outcomes.
 - Deferral, suspension or cancellation decisions made in relation to a students' enrolment.
 - Or any other conclusion/decision made after a complaint has been dealt with by Qualify in the first instance.
3. To activate the appeals process, the student can complete the 'Complaints and Appeals Form' located on the Qualify website or they can obtain a copy from the office or a Facilitator.
4. The student will summarise the basis of the appeal and the reason why they feel the initial decision was unfair within fourteen (14) working days from the time they received the outcome from their initial complaint using the Complaints and Appeals Form. Help and support with this process can be gained from an Qualify representative.
5. Once the appeal has been received, the General Manager, Operations will determine the validity of the appeal and where necessary organise a meeting with all parties involved in the matter to attempt to seek resolution where appropriate.

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6. The process for all formally lodged appeals will commence within seven (7) working days from the date of the appeal lodgement.
7. Where an appeal has been lodged it will be defined into one of the following categories and processed accordingly:
 - A student has appealed a decision or outcome of a formal complaint, and notified Qualify of their appeal within seven (7) working days from the time they received the initial outcome of their complaint.
 - The appeal is lodged through the General Manager, Operations who will ensure the details of the appeal are documented on the 'Complaints and Appeals Register'.
 - The General Manager, Operations will review the initial documentation associated with the complaint and shall make a decision based on the grounds of the appeal.
 - The student shall be notified in writing of the outcome of the appeal within twenty (20) working days from the date of appeal lodgement, and the 'Complaints and Appeals Register' is updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome.

Academic Appeal

- 1) If a student wishes to appeal an assessment decision they are to notify their Assessor in the first instance. Where appropriate the Assessor may decide to re-assess the student to ensure a fair and equitable decision was made. The Assessor will complete a written report regarding the re-assessment outlining the reasons why the assessment was or was not competent.
- 2) If the student is not satisfied, the individual can lodge a formal appeal by completing and submitting the 'Complaints and Appeals Form' to the General Manager, Operations who will document the information in the 'Complaints and Appeals Register'.
- 3) The General Manager, Operations shall seek details from the Assessor involved and any other parties. A decision will be made regarding the appeal, either indicating the assessment decision stands or request a re-assessment by a suitably qualified 'third party' appointed by Qualify.
- 4) The student will be notified in writing within twenty (20) working days from the initial lodgement of their appeal regarding the outcome and the reasons for the decision; the 'Complaints and Appeals Register' is updated. The student will be provided the option of activating the external appeals process if they are not satisfied with the outcome.

External Appeals

- 1) At the completion of the internal resolution process, if a student is dissatisfied regarding the outcome of the appeal Qualify has provided, they may wish to refer the matter to an external/independent/third party for mediation.
- 2) Appeals can relate to the assessment decisions or other decisions such as the decision to exclude a student from a program. Students are encouraged to resolve Complaints and Appeals through Qualify complaint mechanism.

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- 3) If the student is not satisfied with the complaints and appeal outcome, they can contact other suitable mediators. Qualify can provide to students include:
- a. Australian Mediation Association - Commercial and Business Mediation
<http://www.ama.asn.au/commercial-and-business-mediation/>
 - b. The State Ombudsman Offices available from the websites below:
<https://www.ombudsman.vic.gov.au>
 - c. Department of Fair Trading – for issues involving monies, service or product agreements.
 - d. Industry Associations – for judgement on course content and learning outcomes.

Responsibilities

All staff and clients adhere to Qualify Policies and Procedures. The General Manager, Operations with direct access to the CEO, has the responsibility to ensure that the RTO complies with all of the statements and processes included in this document and maintains these standards across all of the areas of operation of the RTO.

Related Documents

Policies & Procedures

PP-03	Student Engagement Policy Procedure
PP-04	Training and Assessment Policy Procedure
P-08	Quality Management
PP-09	Access and Equity
PP-10	Governance and Administration
PP-11	Financial Management
PP-12	Records Management
PP-13	Issuing AQF Certification and Statement of Attainment
PP-14	Transitioning Training Packages
PP-15	Marketing Accuracy and Integrity
	Student Information Kit

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