

COMPLAINTS AND APPEALS PROCESS

POLICY AND PROCEDURES

Purpose

1. This policy supports the Standards for Registered Training Organisations (RTOs) 2015 – Standard 6, Clauses 6.1 – 6.6, Manage Complaints and Appeals, where Complex Institute of Education will provide a fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training an assessment provided to students
2. This policy is to provide clear and practical guidelines to ensure that complaints and appeals lodged with Complex Institute of Education can be resolved, equitably and efficiently, in accordance with the principles of natural justice. The policy will manage and respond to allegations involving the conduct of Complex Institute of Education, its trainers, assessors or other staff, or students of Complex Institute of Education.
3. Complex institute of Education also recognises that student complaints can also be anonymous
4. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to the Institute’s operational management meeting, managed and implemented as part of the Institute’s continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on the Institute’s Continuous Improvement Register.
5. No action relating to an enrolment status is to be taken until such time as the complaint has been resolved. However, Complex institute of Education Management retains the right to take such steps as may be necessary to ensure the health, safety and welfare of the student and/or of others.

Scope

This policy will cover all complaints and appeals submitted by students undertaking training for all courses on Complex Institute of Education’s scope of registration, that impact on the organisation’s management systems; quality of training and assessment; quality of client service; and compliance with the VET Quality Framework, inclusive of complaints about:

- the RTO and its trainers, assessors and other staff;
- an RTO’s third party/ies, its trainers, assessors and other staff;
- a student of the RTO.

All disputes will be handled professionally in order to achieve a satisfactory resolution.

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Privacy

Complex Institute of Education acknowledges and respects the privacy of students and adheres to the Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012, which amends Privacy Act 1988. The APPs cover the collection, use, disclosure and storage of personal information.

Definitions

Complaints and Appeals include, but are not restricted to, matters of concern to a student relating to training delivery and assessment including the quality of the training, student support, learning materials, discrimination; and sexual harassment.

Complaint: where it is felt an aspect of service provision by Complex Institute of Education or its agents is unsatisfactory or unacceptable and causing dissatisfaction that requires an action to be taken to reach a resolution.

Appeal: where it is felt a re-examination of a decision made by Complex Institute of Education is required for consideration, in order to reach an amicable resolution.

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know of what s/he is accused;
- All parties are informed of the decision and the reasons for the decision.

VET Quality Framework (VQF) means the following:

- Standards for Registered Training Organisations (RTOs) 2015
- Australian Qualifications Framework;
- Fit and Proper Person Requirements;
- Financial Viability Risk Assessment Requirements;
- Data Provision Requirements.

Responsibilities

All Complex Institute of Education staff who receives a complaint is responsible for:

- The documenting of complaints as per the scope of this policy.
- Sending the details of the complaint to the Training manager (or delegate).

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The Training Manager (or delegate) is responsible for:

- Reviewing the complaint or appeal;
- Determining the root cause of the complaint or appeal, through investigation, review or other appropriate means
- Determining the action, if any, to be taken and recording in the Complaints and Appeals Register and Continuous Improvement Register.
- Implementing action to prevent or limit the likely the reoccurrence of the determined cause of the complaint or appeal.
- Following up on the complaint or appeal and/or with the complainant to ensure the complaint has been finalised and that corrective action has been implemented satisfactorily and the student is satisfied.

Policy

1. Complex Institute of Education acknowledges that a student, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation. The student has the right to present the complaint or appeal formally as well as in writing, by completing a Complaints or Appeal Form available from Business Support Services.
2. Complex Institute of Education will manage all complaints and appeals fairly, equitably and efficiently as possible.
3. Complex Institute of Education will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, Complex Institute of Education acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.
4. Confidentiality will be maintained throughout the process of making and resolving complaints and appeals. Complex Institute of Education seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.
5. A copy of this policy is available to all students and staff via Complex Institute of Education and is available in the Student Information Handbook and the website.
6. Where Complex Institute of Education considers more than 60 calendar days are required to process and finalise the complaint or appeal, Complex Institute of Education will:
 - Inform the complainant in writing as to why more than 60 calendar days are required and
 - Regularly update the complainant on the progress of the matter



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7. This policy applies to all students and staff of Complex Institute of Education
8. This policy will be implemented at no cost to the student

Procedure

Should a student have a complaint or appeal, the following steps are to be followed:

1. **Informal Complaint or Appeal** - The Student should discuss the issue / complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached, the student should discuss the issue / complaint with his / her trainer to see if it can be resolved.
3. **Formal Complaint or Appeal** If still no resolution the student should put the following information relating to the complaint or appeal in writing using the Complaints and/or Appeals Form.
 - A description of the complaint or appeal;
 - State whether they wish to formally present their case;
 - Steps taken thus far to deal with issue / complaint;
 - What outcomes they would like to fix the problem & prevent it from happening again.
4. The student should bring the complaint or appeal to the attention of the Training Manager within seven (7) days of the issue taking place.
5. This policy and procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting documentation to the Training Manager.
6. All Complaints and Appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. This includes any anonymous complaints.
7. A student's enrolment will be maintained whilst a complaint or appeal is in progress and the outcome has not been determined.
8. At any stage in the internal complaints or appeals process, students are entitled to have their own nominee to accompany or represent them. The nominee can be a friend, relative, another student, student union representative, legal adviser, solicitor or any other person according to student's wish. But a nominee cannot be the employee Complex institute of Education who is involved in the complaint or appeal or person dealing with the complaint or appeal.

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9. A student will be given written notification within 14 days of an outcome made from a compliant or appeal.
10. All parties involved will receive a written statement of the outcomes, including reasons for the decision within the 14 day period.
11. **External Compliant or Appeal** - If the student is still not happy with their complaint or appeal outcome, they may seek assistance from a formal external authority if they are not satisfied with the decision reached. Complex Institute of Education supports the following external independent providers for this mediation service at no cost to the students:

Victorian Ombudsman

Phone: 03 9613 6222

Web: <https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint>

Address: Victorian Ombudsman, Level 1 North Tower, 459 Collins Street
Melbourne VIC 3000

Queensland Ombudsman

GPO Box 3314, Brisbane, Qld 4001

Email: ombudsman@ombudsman.qld.gov.au

Phone (07) 3005 7000 or Toll Free 1800 068 908

Northern Territory Ombudsman

22 Mitchell Street,

Darwin NT 0800

Phone: (08) 8999 1818

Free Call: 1800 806 380

Email: nt.ombudsman@nt.gov.au

Note: That the Australian Skills Quality Authority (ASQA) is not able to act as the Independent third party for reviewing complaints. ASQA will only consider a complaint if the student includes evidence that they have already exhausted the provider's Complaints and Appeals process.

12. Where Complex Institute of Education considers more than 60 calendar days are required to process and finalise the complaint or appeal, Complex Institute of Education will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.
13. At the conclusion of the complaint or appeal, the student will be given written advice of the outcome, including details of the reasons for the outcome and the record of the complaint and

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outcome will be placed and securely maintained in the student file, as well as registered on Complex Institute of Education's Complaints and Appeals register.

14. Complex Institute of Education will aim to identify causes of complaints and appeals and take corrective action to eliminate or mitigate the likelihood of these reoccurring, and document this through the Continuous Improvement Register.
15. All documentation relating to complaints or appeals are retained for audit purposes, and also kept on the students file.

Supporting Documents

- Complex Institute of Education's Complaint and Appeals Form
- Student Information Handbook
- Complex Institute of Education's Continuous Improvement Policy and Procedure

Supporting Records

- Complex Institute of Education's Complaints and Appeals Register
- Complex Institute of Education's Continuous Improvement Register
- Student files

Related Standard – Standards for RTO's 2015:

Clause 6.1

Complex Institute of Education has a Complaints Policy to manage and respond to allegations involving the conduct of:

- a) Complex Institute of Education, its trainers, assessors or other staff
- b) a third party providing services on Complex Institute of Education's behalf, its trainers, assessors or other staff or
- c) a student of Complex Institute of Education.

Clause 6.2

Complex Institute of Education has an Appeals Policy to manage requests for a review of decisions, including assessment decisions, made by Complex Institute of Education or a third party providing services on Complex Institute of Education's behalf.

Clause 6.3

Complex Institute of Education's Complaints Policy and Appeals Policy:

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- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
- e) provide for review by an appropriate party independent of Complex Institute of Education 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.

Clause 6.4

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

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

Clause 6.5

Complex Institute of Education:

- a) securely maintains records of all complaints and appeals and their outcomes, and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.