

POLICY AND PROCEDURE – COMPLAINTS AND APPEALS

Purpose	<p>Appeals policy</p> <p>Austral College of Technology is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, is required to have a policy and processes in place to manage requests for a review of assessment decisions, including those made by third party training and assessment providers who provide services on behalf of Austral College of Technology.</p> <p>This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies regarding assessment can be raised and resolved. The Appeals policy provides opportunity for appeals to be recorded, acknowledged and dealt with in a timely manner.</p> <p>The object of this policy is to ensure that staff and third-party partners, act in a professional manner at all times. This policy provides clients with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.</p>
	<p>Complaint policy</p> <p>Austral College of Technology is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). As such, is required to have a policy and processes in place to manage and respond to allegations involving the conduct of staff, learners and third-party training and assessment providers who provide services on behalf of Austral College of Technology .</p> <p>This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved. This process provides opportunity for complaints to be recorded, acknowledged and dealt with in a fair, efficient and effective manner.</p> <p>The object of this policy is to ensure that staff act in a professional manner at all times. This policy provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.</p>
Standard reference	<p>Appeals - 2.1, 2.2, 2.4, 6.2, 6.3, 6.4, 6.5, 6.6</p> <p>Complaints - 2.1, 2.2, 2.4, 6.1, 6.3, 6.4, 6.5, 6.6</p>

Who is responsible	<p>Appeals The CEO of is the Appeals Resolution Officer. The CEO may delegate responsibility for the resolution of the appeal if necessary. Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and website.</p> <p>Complaints The CEO of is the Complaints Resolution Officer. The CEO may delegate responsibility for the resolution of the complaint if necessary. Details concerning the scope of the Complaints Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and website.</p>
review date	every 12 months
Definitions	<p>The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.</p> <p>Complaint – a statement that something is unsatisfactory or unacceptable which requires a systematic or formal resolution.</p> <p>Complaints can include but not limited to the following;</p> <ul style="list-style-type: none"> • Enrolment process • The quality of the training delivery • Assessment outcomes/including recognition of prior learning • Issuing of results, certificates and /or statements of attainment • Any other activities associated with the delivery of training and assessment services • Conduct of the RTO in regards to its recipients • Conduct of other students • Issues arising from third party providers on behalf of the RTO • Other issues such as discrimination, sexual harassment, victimisation, disability discrimination and bullying <p>Appeal – to apply to a higher authority or external body for review of how a complaint process was handled or in relation to an unfavourable decision made against them.</p> <p>External Appeal A request for an independent, external review of a decision and handling of a particular scenario.</p>

Australian Skills Quality Authority (ASQA). is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

Appeals

- Austral College of Technology acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal.
- Austral College of Technology has provision for clients to appeal against assessment decisions, including those made by a third-party partner.
- Austral College of Technology ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

In doing so, Austral College of Technology:

- has written processes in place for collecting and dealing with appeals in a constructive and timely manner;
- ensures that these procedures are communicated to all staff, third party partners and clients;
- ensures that each appeal and its outcome are recorded in writing;
- ensures that each appeal is heard by an independent person or panel;
- ensures that each appellant has the opportunity to formally present his or her case;
- ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision;
- takes appropriate action upon the subject of any appeal that is found to be substantiated; and
- utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.

Complaints

Austral College of Technology acknowledges the clients' right to lodge a complaint when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by.

Austral College of Technology will ensure that clients have access to a fair and equitable process for expressing complaints, and that will manage the complaint with fairness and equity.

In doing so Austral College of Technology:

- has written procedures in place for collecting and managing complaints in a constructive and timely manner;
- ensures that these procedures are communicated to all staff, third party partners and clients;
- ensures that all necessary documentation and resources are in place to enable clients to submit a complaint;
- ensures that each complaint and its outcome is recorded in writing; and

Policy

- ensures that customer complaints and their outcomes are fed into continuous improvement initiatives.

Appeals Underpinning Principles

- Clients have the right to lodge an appeal against a decision including an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the decision is incorrect and they have grounds for an appeal.
- The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- The appeals policy is publicly available, via website.
- The appellant can provide detail of their appeal either verbally and/or in writing.
- All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client or the incident of the source of the appeal arising.
- If the appeals process fails to resolve the appeal or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the appellant. All costs incurred for the third-party review will be advised to the appellant.
- Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- All appeals are acknowledged in writing and finalised as soon as practicable.
- Austral College of Technology may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.
- If the appeal will take in excess of 60 calendar days to finalise, Austral College of Technology will inform the appellant in writing providing the reasons why more than 60 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- Austral College of Technology strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.
- All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training

Grounds for Appeal on assessment results

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

- The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- The judgement was not made in accordance with the Assessment Plan;
- Alleged bias of the assessor;
- Alleged lack of competence of the assessor;

Policy principles

- Alleged wrong information from the assessor regarding the assessment process;
- Alleged inappropriate assessment process for the particular competency;
- Faulty or inappropriate equipment; and/or
- Inappropriate conditions.

Appeals Process – refer to Annex A flow chart

All appeals shall follow the below process:

- Appeal to be made in writing within 7 calendar days of notification of the assessment decision using the Appeals form or the source event of the appeal occurring.
- A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- The CEO shall be informed of receipt of any appeal.
- The CEO may delegate responsibility for the resolution of the appeal, as appropriate.
- Appeals will be processed in accordance with the Appeals flowchart – Annex A.
- Appeals, where possible, are to be resolved within 28 days of the initial application.
- In all cases the final conclusion will be endorsed by the CEO.
- The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the CEO.
- If the appellant is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal.

Appeal Outcomes

An investigation into an Appeal may result in one of the following outcomes:

- Appeal is upheld; in this event, the following options will be available:
- The original assessment will be re-assessed, potentially by another assessor.
- Appropriate recognition will be granted.
- A new assessment shall be conducted/arranged.
- Appeal is rejected/ not upheld; in accordance with assessment policy the client will be required to:
- undertake further training or experience prior to further assessment; or
- re-submit further evidence; or
- submit/undertake a new assessment.

Complaints Underpinning Principles

In managing complaints, will ensure that:

- The principles of natural justice and procedural fairness are adopted at every stage of the complaint process.

- The complaints policy is publicly available.
- There is a procedure for making a complaint.
- Complaints are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- Complaints will be resolved on an individual case basis, as they arise.
- All clients have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behavioural conduct of another learner.
- All complaints are acknowledged in writing and finalised as soon as practicable.
- The complaint resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.
- In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- Final decisions will be made by the CEO or an independent party to the complaint.
- The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third-party review will be advised to the complainant.
- If the complaint will take in excess of 60 calendar days to finalise, Austral will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint.
- Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
- All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the client in any current or future training.

Types of Complaints

A complaint may include allegations involving the conduct of Austral College of Technology :

- its trainers, assessors or other staff; or
- A third party providing services on behalf of Austral College of Technology , its trainers, assessors or other staff; or
- A learner of Austral College of Technology .

Process for complaints and appeals

Complaints

- If a client has a complaint, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a Complaints Form, to lodge a formal complaint. Austral College of Technology will then investigate the complaint and advise the complainant of the outcome.
- If the complainant is not satisfied with the outcome they may write to the CEO, setting out in detail the issue of concern. This may lead to occasions where an industry-training representative may be invited to act as an objective party in order to negotiate a satisfactory resolution.

Complaints Process – Refer to Annex B flow chart

All complaints shall follow the below process:

- Complaints are to be made in writing within 7 calendar days of the incident using the Complaints Form.
- A submitted complaint form will constitute a formal complaint from the client. Further detail of the complaint can be provided by the client verbally.
- The CEO must be informed of receipt of all complaints immediately.
- The CEO may delegate responsibility for the resolution of the complaint.
- In the case of a complaint, the CEO will initiate a transparent, participative investigation to identify the issues.
- Complaints will be processed in accordance with the Complaints flowchart - Annex A.
- Complaints, where possible, are to be resolved within 14 calendar days of the initial application.
- In all cases the final conclusion will be assessed by the CEO.
- The Client will be advised in writing of the outcome of their complaint, within seven (7) days of resolution.
- If the outcome is not to the satisfaction of the Client, they may seek an appointment with the CEO.
- If the client is not satisfied with the decision they have the option to seek outside assistance to pursue the complaint or exercise the appeal process.

Appeal procedure

1 Initial Review of Appeal

Procedure

The Client

- If the client is unhappy with the assessment decision they should first seek to discuss the decision and options with the Assessor, to determine and fully understand the reasons for the decision. If the appeal is regarding any other

decision, student must first approach an administration officer or support officer, or may submit an Appeals Lodgement form.

The Assessor

- With a view to resolving the matter, discuss with the client: give specific feedback on their performance, identify areas of improvement, and provide options to the client such as further training and/or assessment.

The Assessor

- If the matter is successfully resolved, complete the "Appeals Lodgement Form" and submit to Admin for processing.
- If the matter is not resolved, advise client of their right to appeal the decision referring them to the Appeals policy and provide client with access to the Appeals Lodgement Form.

The Administrator

- Enter details of Appeal into Student Management system (SMS)
- Enter details of Appeal into Appeals Register.
- Note actions on "Appeals Lodgement Form".
- File "Appeals Lodgement Form" (if appeal resolved) onto Client file.

2 Lodgement of appeal:

The client

- Lodges an appeal in writing using the "Appeals Lodgement form".
- Submits within seven (7) days of the date of assessment result notification.
- The Appeals lodgement form must clearly state the grounds for appeal and should include sufficient evidence to support the claim

The administrator

- Acknowledges the receipt of appeal to student.
- Enter details of Appeal into Student Management system (SMS)
- Enter details of Appeal into Appeals Register.
- Note actions on "Appeals Lodgment Form".
- Print and commence "Appeals Progress Form".
- Provide all documentation to CEO for action

The CEO

- On receipt of the appeals application, acknowledges receipt of the claim, in writing, to the appellant within two working days, this may be via email, letter or fax.
- Keep all documentation in the Appeals file, which will remain in place until the appeal is resolved. After which time all appeal documentation will be placed on the Client file.

3 Processing the Appeal

The CEO

- Nominates, within five working days, an independent assessor or panel to review the appeal and make a determination.
- Advise the appellant in writing of the name of the independent Assessor or panel.

The CEO/Independent Assessor

- Appeals claim is reviewed and investigated which includes:

- A review of the application form and supporting evidence.
- A review of all assessment documentation and process.
- An interview with the appellant to allow them the opportunity to formally state their claim.
- An interview with the Assessor

The CEO

- Determine the appeal outcome and provide an explanation to justify their decision.
- The independent assessor /panel will advise the CEO of the appeals outcome, in writing, within 5 working days.
- Note actions on "Appeals Progress Form".
- If the outcome involves re-assessment, go to Step 4.

4 Conduct reassessments

The CEO must:

- Arrange for the appellant to be re-assessed and inform the appellant of the details regarding the re-assessment, in writing, in accordance with assessment processes.
- Place a copy of the re-assessment correspondence on the Client file.
- If the appellant is dissatisfied with the result or the process of the appeal, the appellant may lodge a complaint with External Arbitrator.
- If appellant refuses to be reassessed, the progress of the appeal to the External Arbitrator is at the discretion of the Appellant.

The independent assessor must:

- Give the appellant has the option to nominate an independent observer to be present during the re-assessment.
- Conduct the re-assessment.
- Determine the assessment outcome against the competencies.
- Complete all relevant assessment documentation, (in accordance with the Assessment policy) notifying the appellant and the CEO of the outcome, in writing

5 Finalising the appeal

The CEO must:

- Supply the appellant with the appeals outcome in writing within 2 working days
- If the appeal is upheld, and if Austral College of Technology is satisfied with the outcome:
- Finalise the appeals documentation, place all documentation in the client's appeals file.
- Complete documentation for the issuance of a Statement of Attainment or qualifications (as appropriate).
- The appeals file is closed, and provided to Admin.
- If the appeal is upheld and if Austral College of Technology is NOT satisfied with the outcome, progress with Appeal with the External Arbitrator.
- Note actions on "Appeals Progress Form".
- If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand.
- Client continues to progress through the usual Assessment process.

- Note actions on "Appeals Progress Form".
- If client is dissatisfied with outcome, advise the client of their right to further progress the appeal through the External Arbitrator. (See to Step 6)
- Note actions on "Appeals Progress Form".

The administrator must:

- Enter details of Appeal outcome into Student Management system (SMS)
- Enter details of Appeal outcome into Appeals Register.
- Note actions on and complete the "Appeals Progress Form".
- The client is provided a refund of the appeals fee if appeal is upheld. Follow refunds policy and procedures.
- Place all documentation from Appeals file onto Client file.

The CEO must:

- Ensure that the assessment tools, policy and procedures relating to any substantiated Appeal is reviewed and progressed through continuous improvement processes, as appropriate

6 Referral to external arbitrator

The CEO/Client

- Contact and engage the External Arbitrator for a review of the Appeal, providing all relevant documentation.
- Cooperate with External Arbitrator for a review of the Appeal

The external arbitrator:

- Review, investigate and mediate the complaint with all relevant parties and make a ruling.
- Austral College of Technology will abide by any resolutions as recommended by the External Arbitrator.

The CEO:

- If the Appeal is Upheld, go to Step 5.2
- If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand.
- Client continues to progress through the usual Assessment process.
- Go to Step 5.3.

1 Initial Review of complaint

The client:

- Raises the concern with Austral College of Technology staff.

The staff

- Attempt to resolve the complaint immediately.
- If the matter is successfully resolved, complete the "Complaints Lodgment Form" and submit to Admin for processing.
- If the matter is not resolved, advise client of their right to make a formal complaint referring them to the Complaints policy.
- Provide client with access to the "Complaints Lodgment Form".

The administrator:

- Acknowledges the receipt of the complaint to the complainant.
- Enter details of Complaint into Student Management system (SMS)
- Enter details of Complaint into Complaints Register.
- Note actions on "Complaints Lodgment Form".
- Notify CEO of the resolved Complaint.

- File "Complaints Lodgment Form" (if appeal resolved) onto Client file.

2 Lodgement of complaint

The client:

- Lodges a complaint in writing using the "Complaints Lodgment form".
- Submits within seven (7) days of the date of the issue.

The administrator:

- Enter details of complaint into Student Management system (SMS)
- Enter details of complaint into Complaints Register.
- Note actions on "Complaints Lodgment Form".
- Print and commence "Complaints Progress Form".
- Provide all documentation to CEO for action.

The CEO:

- On receipt of the complaint documentation, acknowledge receipt of the claim, in writing, to the complainant within two (2) working days, this may be via email, letter or scan.
- Keep all documentation in a Complaints file, which will remain in place until the complaint is resolved. After which time all complaints documentation will be placed on the Client file.

3 Processing the complaint

The CEO:

- Implement appropriate resolution techniques to resolve the issue promptly to the mutual satisfaction of all parties.
- Inform any respondent(s) (if applicable) by letter, that a complaint has been received. This letter will be forwarded within 2 (two) working days of receipt of the original formal complaint
- Review, investigate and mediate to resolve the complaint within seven (7) days. Actions which may be taken include, but are not limited to:
- Discussing the facts of the complaint with the complainant.
- Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
- Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level.
- Interview all parties individually, including any witnesses.
- Conduct interviews privately and confidentially
- Where applicable, report the outcome of the meeting with the respondent to the complainant.
- Seek preferred outcome from each of the parties.
- Determine a resolution to resolve the complaint, within Austral College of Technology
- Advise all parties of the outcome of the complaint in writing, within five (5) working days.
- Confirm all parties are satisfied with the outcome of the complaint.
- If client is dissatisfied with outcome, advise the client of their right to further progress the appeal through the External Arbitrator. (See to Step 5)
- Note actions on "Complaints Progress Form".

4 Finalising the complaint

The CEO:

- Complete all necessary documentation including the “Complaints Progress form”, noting actions and outcomes of the complaints resolution process.
- Place all documentation in the client’s complaints file and provide to admin for completion.
- Implement agreed actions and /or administrative arrangements.
- Monitor the learning environment to ensure that the behaviour/incident does not re-occur.

The administrator:

- Enter details of complaint outcome into Student Management system (SMS)
- Enter details of complaint outcome into Complaints Register.
- Note actions on and complete the “Complaints Progress Form”.
- Place all documentation from complaint file onto Client file.

The CEO:

- Ensure that the issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate

5 Referral to external arbitrator

The CEO/Client

- Contact and engage the External Arbitrator for a review of the complaint, providing all relevant documentation.
- Cooperate with External Arbitrator for a review of the complaint.
- The external arbitrator
- Review, investigate and mediate the complaint with all relevant parties and make a ruling.
- Prepare a formal written report on the investigation, providing a copy to both CEO Austral College of Technology and complainant.
- Austral College of Technology will abide by any resolutions as recommended by the External Arbitrator.

The CEO

- If the complaint is Upheld, go to Step 4.1.
- If the complaint is rejected notify the complainant in writing that the original decision is to stand.
- Go to Step 4.1.

Records management

For appeals

Access & Equity

The Access & Equity Policy applies. (See Access & Equity Policy)

For complaints

Access & Equity

The Access & Equity Policy applies. (See Access & Equity Policy)

- Records Management
- Records of all complaints and their outcomes are maintained securely.
- Records of complaints include:
- How the complaint was dealt with;
- The outcome of the complaint;
- The timeframes for resolution of the complaint;
- The potential causes of the complaint; and
- The steps taken to resolve the complaint.
- All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

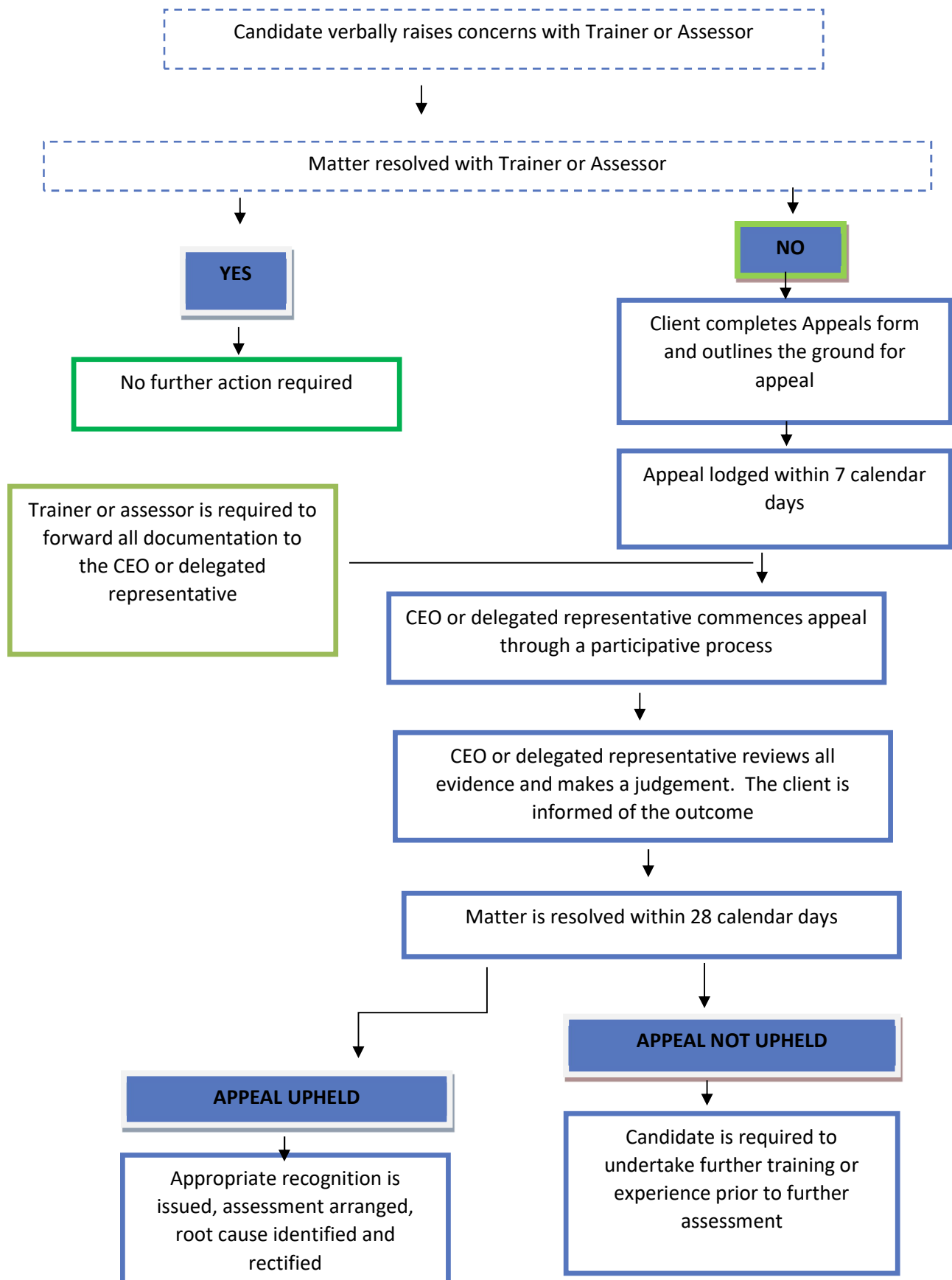
For appeals

Records Management

- Records of all appeals and their outcomes are maintained securely.
- Records of appeals will include:
- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.
- All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

Monitoring and Improvement

All appeals practices are monitored by the CEO and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

ANNEX A: Appeals Process


ANNEX B: Complaints Process
