

# Complaints and Appeals Policy and Procedure

## Purpose

This policy and procedure provide clear and practical guidelines to ensure that complaints and appeals received about the RTO, about and from students, trainers, staff and/or third parties can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

## Scope

This complaints and appeals policy and procedure will manage allegations involving the conduct of:

- ACPA, its trainers, assessors and other staff
- stakeholders and others
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff (where this may be relevant to its operations)
- a student of ACPA

## Definitions

**Complaint** - is any expression of dissatisfaction with an action or service of the Registered Training Organisation.

**Appeal** - is where a student or staff member or stakeholder of ACPA or another interested party disputes a decision arising from a complaint, an assessment decision, or another decision made by the RTO.

Complaints and appeals can arise from matters of concern relating to:

- training delivery and assessment
- the quality of the training
- student support
- materials
- discrimination
- harassment

**Natural Justice** - is concerned with ensuring procedural fairness. It involves:

- Decisions and processes free from bias
- All parties having the right to be heard
- All parties having a right to know how and of what, they are involved/accused
- Investigating a matter appropriately before a decision is made
- All parties being told the decision and the reasons for the decision

**Person** – is the someone making the complaint (complainant or appellant) and can be an individual, a group or an entity/organisation.

## **Policy**

ACPA believes that a person, 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, and without prejudice or fear of reprisal or victimisation.

The person has the right to present the complaint or appeal formally and in writing.

ACPA will manage all complaints and appeals fairly, equitably and as efficiently as possible. ACPA will encourage the parties to approach the complaint or appeal with an open mind, and to resolve problems through discussion and conciliation.

ACPA seeks to prevent complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and with its public image. If a complaint should arise, all staff are expected to be fair, courteous and helpful in all dealings with the person making the complaint or lodging the appeal, and to assist or refer where they can.

Where a complaint or appeal cannot be resolved through discussion and conciliation, ACPA acknowledges the need for an appropriate external and independent person/party to mediate. The parties involved will be given the opportunity to formally present their case in an independent forum.

Confidentiality will be maintained throughout the process of making and resolving complaints/appeals. ACPA seeks to protect the rights and privacy of all involved, and to facilitate the return to a comfortable and productive learning environment.

A copy of this Policy is available to the public, all stakeholders, students and staff via the ACPA website and is available in the Student Handbook. Information and contact details of external authorities who may be approached, is also included.

## Procedure

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

1. Discuss the issue directly with those involved to try and resolve it verbally.
2. If no resolution is reached, discuss the issue with the Head of Department to see if it can be resolved.
3. If this resolves the situation, the outcomes will be put in writing and signed by both parties. One of the two copies of the outcome will be placed on file with the Head of Department and securely stored.
4. If there is still no resolution, the person should put the following information relating to the complaint or appeal in writing to Head of Department and ACPA Business Manager This **written notification** can be made using the appeals and complaints form or by email, letter or over the phone (with a dictation made by the RTO representative), and must include:
  - A description of the complaint or appeal
  - A statement about whether the person wishes to formally present their case
  - Information about any prior steps taken to deal with the complaint or appeal
  - What they would like to happen to fix the problem and prevent it from happening again
5. A written acknowledgement of receipt of the complaint/appeal will be forwarded to the complainant within five working days.
6. The Head of Department will either deal with the issue personally, or arrange for it to be dealt with by a management representative. This process must commence within two working days from the time the Head of Department receives the **written notification** and a response/resolution must be presented within 14 working days.
7. The Head of Department will:
  - Undertake a preliminary enquiry to determine nature of the complaint/appeal
  - Inform other relevant parties (if necessary)

- Provide all parties an opportunity to present their case (with a support person and/or parent/guardian if a student is under 18 years of age)
  - Discuss with the parties any resolution and any arrangements required by the RTO
  - Record the outcome of discussion on <form>
  - Provide the outcome in writing to the person (and other parties if relevant)
8. Should the issue still not be resolved to the person's satisfaction, ACPA will make arrangements for an independent party to resolve the issue and outline any costs that may be involved with this to happen, to the person. The person will be given the opportunity to formally present their case. The time frame for this process may vary but should take no longer than 14 working days.
9. All parties involved will receive a written statement of the outcomes, including reasons for the decision within the 14-working day period. If the process is taking longer than 60 days from the complaint or appeal being received, the person will be notified in writing of the reason for the delay, and kept informed of all progress.
10. If the person is still not happy with outcomes from the independent process, they may take their complaint to the VET Regulator - the Australian Skills Quality Authority.
- Information about the process can be found at:  
<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/before-you-make-a-complaint---domestic-students.html>  
or at the National Complaints Hotline at <https://www.education.gov.au/NTCH>
11. From any substantiated complaints and appeals, the causes will be reviewed as part of the RTO's continuous improvement processes, and appropriate corrective action will be taken to prevent or reduce the likelihood of reoccurrence. Actions will be recorded on the ACPA Continuous Improvement Register.
12. Any complaint that is related to illegal activity, such as theft, assault etc., will be immediately referred to the appropriate authority.
13. All documentation relating to complaints or appeals will be stored securely as per the Records Management Procedure.
14. The ACPA CEO will be personally responsible for the implementation and maintenance of the policy.