

Complaints and Appeals Policy and Procedure

Purpose

It is a requirement that RTO's meet the following clauses as set out by the Standards for RTO's 2015:

Standard 6 - Complaints and appeals are recorded, acknowledged, and dealt with fairly, efficiently, and effectively.

Clause 6.1 - The RTO has a complaints policy to manage and respond to allegations involving the conduct of:

- a. the RTO, its trainers, assessors, or other staff
- b. a third-party providing services on the RTO's behalf, its trainers, assessors, or other staff.
- c. a learner of the RTO.

Clause 6.2 - The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third-party providing services on the RTO's behalf.

Clause 6.3 - The RTO's complaints policy and appeals policy:

- 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.
- e. provide for review by an appropriate party independent of the RTO 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 the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

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

Clause 6.5 - The RTO:

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

Clause 6.6 - Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training or assessment, and does not have in place a specific complaints and appeals policy in accordance with clauses 6.1 and 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

Scope

This policy and procedure apply to all RTO staff, students, and stakeholders in understanding the requirements for making a complaint or appeal against a judgement.

Policy

1. ACPA believes that a Person with a Complaint or appeal has the right to raise the complaint or appeal and expects that every effort will be made to resolve it following this policy and without prejudice or fear of reprisal or victimisation.
2. The Person has the right to present the complaint or appeal formally and in writing.
3. ACPA will manage all complaints and appeals reasonably, equitably, and efficiently.
4. ACPA will encourage the parties to approach the complaint or appeal openly and resolve problems through discussion and conciliation.
5. ACPA seeks to prevent Complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and its public image.
6. If a Complaint is made, all parties involved 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 can formally present their case in an independent forum.
7. ACPA will take all reasonable steps to maintain confidentiality throughout any complaint process.
8. ACPA seeks to protect the rights and privacy of all involved and facilitate returning to a comfortable and productive learning environment.
9. A copy of this policy is available to the public, all stakeholders, students, and staff via the ACPA website and in the Student Handbook.
10. Information and contact details of external authorities who may be approached are also included.

Procedure

Complaints/Appeal Management Framework:

There are four (4) phases in the ACPA Student Complaints and Appeals Policy and Procedure:

- Phase 1: Informal Complaint
- Phase 2: Formal Complaint
- Phase 3: Internal Appeal
- Phase 4: External Review.

All students or potential students can access the four phases of ACPA's Student Complaints and Appeals Policy anytime. However, it is strongly recommended that each Phase of the policy is completed before escalating to the next Phase.

1. Phase 1: Informal Complaint

- 1.1. The student is encouraged to raise the complaint directly with the person/s involved. For example, if the complaint concerns fees, the concern should be discussed in the first instance with Administration. A complaint about an assessment task should be addressed in the first instance with the unit Trainer.
- 1.2. An informal discussion should occur directly with the relevant person(s) as soon as possible. A Support Person may accompany or assist the student during the informal discussion phase.
- 1.3. If the student has attempted to resolve the issue directly with the relevant person(s) and is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, the student should discuss the complaint with the delegated Responsible Officer within seven (7) working days of the issue.

- 1.4. The Responsible Officer will consider the issue and may suggest a course of action to resolve the issue or attempt to mediate between the student and the person(s) concerned. An effort to resolve this will be presented to the complainant within ten (10) working days.
- 1.5. The Responsible Officer will maintain A record of the discussion and its outcome on the central ACPA's Complaints Register.
- 1.6. If the student is unsatisfied with the outcome, they can escalate their complaint to Phase 2 under this policy.
2. Phase 2: Formal Complaint If the complaint cannot be resolved in Phase 1, it will escalate to a formal process. The complaint involves the student lodging a written complaint. The Responsible Officer will investigate the complaint.
 - 2.1. The student completes a Complaint Form (available from Student Services) or submits a letter to the Responsible Officer at the College where the student is studying or applying to enrol within ten (10) working days of the event relating to the complaint occurring.
 - 2.2. The student will receive written acknowledgment of the complaint within ten (10) working days of the Complaint lodgement.
 - 2.3. The Responsible Officer investigates the complaint and seeks to resolve it within twenty (20) working days of it being received by the Responsible Officer.
 - 2.4. The student will receive written notification of the outcome of the investigation within five (5) working days of finalising the investigation of the complaint.
 - 2.5. If the student is unsatisfied with the outcome, the student can escalate the complaint to Phase 3 under this policy.
 - 2.6. To proceed to Phase 2, the student MUST provide the following information in writing:
 - 2.6.1. Details of the Complaint;
 - 2.6.2. Supporting information that the student wishes to have considered;
 - 2.6.3. An explanation of the steps already taken to try to resolve the issue informally and why the responses received are not considered satisfactory; and
 - 2.6.4. What the student thinks needs to be done to address their concerns.
 - 2.7. As part of the investigation process, the Responsible Officer will discuss the issues with the person(s) concerned and, if required, may discuss it with relevant staff observing the principle of Appropriate Confidentiality. A meeting with the student may be arranged to enable them to formally present their complaint in front of an independent person or mediator. The student may be accompanied or assisted by a Support Person at any such meeting. If the Responsible Officer considers that the complaint should be upheld, then relevant staff will be notified immediately to implement the actions required to resolve the complaint. The student will be provided with a written report of the steps taken to address the complaint within twenty-five (25) working days of the commencement of the complaint process. If the complaint is not upheld, then the student will be given a written report on the reasons for the decision. The student will also be advised of their right to access the Appeals Process if not satisfied with the outcome of the formal complaint and lodge this within twenty-eight (28) working days of the Phase 2 decision. The Responsible Officer will file a written record of the complaint and its outcome in the central ACPA's Complaints Register.
3. Phase 3: Internal Appeals If a student is not satisfied with a decision made by ACPA, including assessment results:
 - 3.1. The student submits a written request for an internal appeal to the Responsible Officer within 28 days of receipt of the decision;
 - 3.2. The Responsible Officer may:
 - 3.2.1. Decide based on the information already provided;
 - 3.2.2. Decide that there are insufficient grounds to take any further action, thus concluding the consideration of the matter under this internal appeal phase; or
 - 3.2.3. Establish an internal appeal review panel.

- 3.2.3.1. If the decision is made to establish an Internal Appeal Review Panel, the Responsible Officer convenes the Panel within ten (10) working days of receipt of the Appeal Request Form;
- 3.2.3.2. The Appeal Review Panel meets within twenty (20) working days of receipt of the Appeal Request Form;
- 3.2.3.3. The student is given at least five (5) working days of notice in advance of the Internal Appeals Review Panel meeting;
- 3.3. The student receives written notification within five (5) working days of the Panels' decision;
 - 3.3.1. If the student is still unsatisfied, they can escalate the appeal to Phase 4 under this policy. The Internal Appeal Process will consider all relevant information. The student may attend and be accompanied by a Support Person who may speak on the student's behalf. If the subject of the appeal involves another person (s), they will also be invited to present their case to the Panel. A written record of the meeting must be taken. The student will be notified in writing within five (5) working days of the decision of the Internal Appeals Review Panel. If the appeal is upheld, the student will be informed of the action to resolve the matter. ACPA will immediately implement any decision and action required. If the complaint is not upheld, the student will be given a written report including the reason/s for the decision and advise the student of their right to access the External Review Process. The Responsible Officer will file a written record of the appeal and its outcome in the central ACPA's Complaints Register.
4. Phase 4: External Review If a student is not satisfied with the result or conduct of the formal complaint and internal review, they may apply for an external review. The external review will be formally investigated by an agent external to ACPA or another impartial service, such as a legal agency. The cost for an external review will be shared equally between the Student and ACPA. If, at any point throughout the complaint or appeal process, it is anticipated that the process will take longer than 60 days, the person submitting the complaint will be advised of the delay and its reason. A review of the complaint is to be undertaken, and actions implemented to reduce the likelihood of the same complaint being reported in the future.

Further Action:

1. Students may choose to lodge a complaint to:
 - 1.1. Australian Skills Quality Authority (ASQA) Tel: 1300 701 801 Online complaints form: <https://asqaconnect.asqa.gov.au/>
 - 1.2. National Training Complaints Hotline Tel: 13 38 73 Online complaints form: <https://www.dese.gov.au/national-training-complaints-hotline/nationaltraining-and-complaints-hotline-complaints-form>
 - 1.3. The relevant State Training Authority (STA) which in Queensland is the Department of Employment, Small Business and Training at <https://training.qld.gov.au/>
 - 1.4. Queensland Training Ombudsman at <http://qto.qld.gov.au/contact/> Phone 1800 773 048 or Email: info@trainingombudsman.qld.gov.au

Delegation:

Trainers / Assessors:

1. Will address any complaints in Phase 1 within a 24hour period, unless discussed with the RTO Manager and a more suitable plan is established and determination of whether the complaint needs to be escalated to Phase 2.

RTO Manager:

1. RTO Manager will address any complaints at Phase 2 and Phase 3 within 10 business days to allow investigation.

2. The RTO Manager will investigate any complaints at Phase 2 and Phase 3, allowing 20 business days to follow up with all parties involved.
3. THE RTO Manager will advise the complainant of any complaints at Phase 2 and Phase 3 within 5 business days after the conclusion of the investigation the outcome.
4. The RTO Manager will review every 6 months the complaints received for trends and report trends to the CEO.
5. The RTO Manager will advise the CEO of all complaints and outcomes monthly for reporting purposes.

CEO:

1. If the complaint reaches Phase 4, the CEO will be the RTO representative with the external company.

Grievance and dispute resolution

Primary Responsibility

Corporate Affairs Manager

Purpose

While it is recognised that at times disagreements may arise, ACPA is committed to providing a process where individuals and ACPA as an organisation can:

1. resolve grievances in a timely and constructive manner; and
2. maintain staff and student satisfaction and productivity, by creating a climate where grievances are resolved before they reach a need for formal review; and
3. avoid any reoccurrence of identified grievance issues.

Outcomes

List quantifiable outcomes that will be accomplished by completing this procedure.

This policy applies to Employees.

POLICY

In the first instance all Employee grievances should be dealt with internally. A grievance occurs when an Employee feels aggrieved about a matter associated with his or her employment.

Any grievance raised by an Employee will be kept confidential so far as is practicable. All grievances will be taken seriously, treated impartially and investigated if needed. Employees are encouraged to raise grievances with ACPA as soon as possible.

PROCEDURE

Wherever possible, Employees are encouraged to discuss the matter directly with other relevant ACPA staff members, to resolve the grievance informally.

Receiving a grievance from an Employee

If the aggrieved Employee believes this is not a possible they should bring the issue to the attention of their immediate supervisor. The supervisor may make efforts to arrange a meeting with all parties, to resolve the issue informally.

Where the grievance is directly about the Employee's immediate supervisor and the Employee feels unable to raise the grievance with them, they should inform CEO (or where the grievance is about the CEO, the Chair of ACPA). The CEO (or where the grievance is about the CEO, the Chair of ACPA) may make efforts to arrange a meeting with all parties, to resolve the issue informally.

An Employee who wishes to raise a grievance should do so in writing. An Employee will have to provide details of the grievance and must be prepared to give a reasonable level of detail so that the grievance can be evaluated. Such detail should generally contain:

1. a full description of the grievance, incident or issue and any relevant circumstances;
2. the offending conduct or issue;
3. the time and date of the conduct or issue etc.;
4. the names of any witnesses;
5. the signature of the Employee making the complaint; and
6. the document must be dated with the date the complaint is made.

However, if an Employee only wishes to discuss the behaviour or incident initially to obtain guidance on how to deal with it themselves, it is important that they advise the person they have approached that this is their intention.

Depending upon the seriousness of the behaviour that is reported, ACPA may decide to investigate the grievance and take any remedial action that is deemed warranted by it following the conclusion of the investigation.

ACPA will deal with grievances raised by Employees as quickly as possible. So far as practicable Employees dealing with the grievance should keep all details of the grievance confidential.

Responding to a grievance

The parties involved in grievances are expected to participate in good faith, have regard to facts, policies, procedures, and the particulars of the circumstances. Grievances will be reviewed in the spirit of achieving resolution, procedural fairness, sensitivity to the parties and confidentiality as far as is reasonably practicable.

Any party to a grievance may ask for assistance of a support person to attend with them if being interviewed. When an Employee requests that a support person attend an investigation or disciplinary meeting, reasonable efforts ought to be made to accommodate this request without unduly delaying proceedings.

Any witnesses to the alleged incident(s) may be questioned as part of an investigation or otherwise.

A clear statement of the grievance must be communicated to the respondent Employee at the first discussion giving them the opportunity to respond fully to the allegations. The respondent Employee may be required to attend and participate in discussions, meetings and interviews with the people investigating the grievance.

Role of a support person

The role of the support person is to provide emotional support and is not to act as an advocate or speak on behalf of the Employee. Support persons must abide by any confidentiality obligations imposed by ACPA. To protect the integrity and confidentiality of any investigation or disciplinary process, a support person for an Employee cannot be someone who is a witness or is otherwise involved in the process.

Outcome

If the grievance is substantiated ACPA may take disciplinary action against the respondent Employee.

Record Keeping

Compliance, monitoring, and review

The RTO Manager is responsible for implementing, monitoring, reviewing, and ensuring compliance with this policy and procedure. This policy and procedure will be reviewed annually for accuracy.

This document will be uploaded to the way we do for all ACPA staff to read and acknowledge.

2023.05.22v1	Addition of Grievance and Dispute resolution	28/09/2023
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