

Complaints and Appeals Policy and Procedure

Purpose

The purpose of this policy is to ensure that AGA responds to complaints by its stakeholders in a timely, appropriate, fair and equitable manner, and to outline the steps for handling complaints and appeals received from stakeholders of AGA.

Scope

This policy applies to all students past or present, employees, trainers, third parties, management and corporate governance representatives of AGA as each of these categories of person may be involved in the handling of complaints or be a respondent to them.

General principles

This policy is based on the following principles

- The RTO is committed to resolving complaints and fostering a culture that recognises an individual's right to complain.
- Complaints are recognised as being part of the RTO's business of serving our students and stakeholders and improving service delivery.
- People with a range of needs can easily complain and staff will actively assist them to navigate the complaints process.
- Complainants will be notified, when:
 - their complaint is received
 - a panel or committee meets to discuss their complaint
 - a decision is announced regarding their complaint
 - any action is taken to resolve their complaint by the RTO or its employees
- Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by the RTO, or anyone who has allegations made against them, to a right to a hearing before a decision is made.
- A complaint may be dismissed if the RTO, after deliberation and investigation, has deemed it as vexatious, frivolous, trivial or false.
- Complainants who make repeated vexatious, false or frivolous complaints may be subject to disciplinary action and such instances will be referred to the student misconduct committee.

- Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with the RTO'S Record keeping policy and Australian Privacy Principles in the RTO's electronic records management system.
- Each complainant or party lodging an appeal may be accompanied and/or assisted by a support person throughout the process.
- Complainants have the right to know what is being done to address their complaint and what progress has been made.
- All complaints, appeals and outcomes are documented in the RTO Complaints and Appeals Register.
- Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
- If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO.
- Appeals of assessment outcomes are to be lodged within twenty eight (28) days of when the assessment outcome is communicated to the learner.
- Investigations into plagiarism will be handled in accordance with the complaints and appeals procedure and will follow the principles of natural justice and procedural fairness.

Definitions

Appeal: means a request for a decision made by AGA to be reviewed

Appellant: means a person who appeals the decision on their complaint

ASQA: refers to the Australian Skills Quality Authority

Complainant: means a person who is making a complaint

Complaint: means a person's formal expression of dissatisfaction with any product or service provided by AGA or a third party acting on its behalf.

- Academic Complaint: A complaint that relates directly to teaching, learning and assessment. Examples may include complaints about the effectiveness of teaching and the quality of teaching materials.
- Non-Academic Complaint: A complaint that is not directly related to teaching and learning, such as a complaint about finance or advertising.

Continuous improvement: refers to a systematic, ongoing effort by a provider to raise an organisation's performance to provide quality VET and improve outcomes for students under the applicable standards.

Informal Resolution: Direct action or discussion to resolve a complaint by the staff member who has received it.

Services: means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners.

Standards means the Standards for Registered Training Organisations (RTOs) 2015, made under the National Vocational Education and Training Regulator Act 2011 (the Act).

VRQA: refers to the Victorian Registration and Qualifications Authority

Overview

1. The RTO manages complaints and appeals in a transparent manner which enables learners to be informed of, and to understand their rights and obligations and the RTO's responsibilities in relation to complaints and appeals under the Standards for Registered Training Organisations (RTOs) 2015 (the Standards) specifically, clauses 6.1 to 6.6.
2. The RTO manages and responds to complaints in relation to the quality of training and assessment; the quality of client service; and compliance with the VET Quality Framework, including allegations involving the conduct of:
 - the RTO, its trainers, assessors or other employees
 - a third-party providing services on the RTO's behalf, its trainers, assessors or other employees
 - a learner of the RTO
3. The RTO manages appeals or requests for a review of decisions, including assessment decisions, made by the RTO or a third-party providing services on the RTO's behalf. An appeal is an application by a learner or complainant for reconsideration or review of an unfavourable decision or finding during training and/or assessment or investigation.

Responsibilities

1. All AGA employees are responsible for:
 - conducting themselves in a manner consistent with the AGA Code of Conduct to minimise the incidence of complaints and allegations
 - the accurate and timely documenting of complaints and appeals as outlined in this procedure
 - ensuring that learners are fully informed of AGA's policy and procedures for handling complaints and appeals
 - assisting a complainant or appellant to resolve concerns directly and informally with parties involved in the first instance
 - assisting a complainant or appellant assisting a complainant or appellant to lodge a formal complaint or appeal written in any form, but preferably the AGA's Complaints and Appeals Form, where required.

2. The Chief Executive Officer is responsible for:

- ensuring that complaints and appeals are managed in a transparent manner in accordance with the principles of natural justice and procedural fairness
- offering independent review of decisions, where required.

3. The Education and Training Manager is responsible for:

- ensuring that the complaints and appeals process operates in a transparent manner in accordance with the principles of natural justice and procedural fairness
- considering independent review of decisions where required
- determining independent internal or external third parties to review complaint and appeal processes
- ensuring that complaints and appeals outcomes are used to inform continuous improvement strategies within AGA, through the internal audit process
- reporting to the CEO through the monthly report.

4. The Quality and Compliance Manager is responsible for:

- maintaining the AGA Complaints and Appeals Register
- ensuring that complaints and appeals outcomes are used to inform continuous improvement strategies within AGA, through the internal audit process

5. The Quality and Compliance Manager and their team is responsible for:

- assisting the complainant or appellant with form completion and submission (as required)
- acknowledging the receipt of the complaint/appeal within three (3) days
- ensuring the resolution phase commences within five (5) business days of the written complaint/appeal being lodged and attempt to resolve any complaint or appeal fairly and equitably within thirty (30) working days. If the matter is particularly complex and it is going to take longer to resolve, the complainant/appellant is to be advised in writing along with the reasons for the extra time. They will also be given regular updates for the progress of the complaint/appeal.
- providing written communication and advice related the complaint/appeal, such as acknowledgement of receipt of complaint/appeal, communication of outcomes and reasons, as well as further actions and avenues of independent review, advice about timelines,
- arranging for the proposed resolution to be signed off by the complainant/appellant.

- ensuring that the processing of the complaint/appeal is recorded in the Complaints and Appeals Register, and
- incorporate outcome action into continuous improvement process as applicable

6. AGA training coordinators, trainers and assessors are responsible for:

- assisting a complainant or appellant to resolve concerns directly and informally with parties involved, in the first instance
- assisting a complainant or appellant to lodge a formal complaint or appeal using the AGA Complaints and Appeals Form, where required
- considering complaints and appeals, where required

Procedure

- Information about how to make complaints and appeals will be made easily accessible to all AGA stakeholders, via the website.
- All students will be provided with Student Handbook which contains information on complaints and appeals, prior to enrolment and explained again during orientation.
- All students are encouraged to resolve complaints informally with the Trainer/ Student Support Staff before making a formal complaint.
- Formal complaints must be lodged in writing, using the AGA complaints form available on the website or in any other suitable format – e.g. email, letter, etc.
- Students may raise any matters of concern relating to course delivery and assessment, the quality of the teaching, learning resources and educational support, student amenities, discrimination, sexual harassment or issues that may arise out of dealings with third parties.
- All information about the complaints and appeals process will be kept confidential.
- Students are entitled to resolve any dispute by exercising their rights to pursue other legal remedies.
- All parties to a complaint will be provided a clear understanding of the steps involved in the procedures.
- At any stage in the complaints or appeals process students are entitled to have their own nominee included in the resolution process. The nominee will also ensure the confidentiality of the complainant and the process to ensure procedural fairness?
- AGA will respond to any complaint or appeal in writing within five (5) working days.

I. Informal Process

1. Students are encouraged to resolve issues informally by speaking to the Trainer or any other AGA staff with whom they have a complaint.

2. If not satisfied, students are further encouraged to speak to the Training Coordinator of their enrolled course or Training Manager and present their complaint. The Training Coordinator or Manager will try and resolve the issue and come to a satisfactory solution. If not satisfied, the student can follow the formal complaints process.

ii. Formal Complaints Process:

1. A formal complaint must be lodged in writing, using the AGA complaints form available on the website or in any other suitable format – e.g. email, letter, etc.
2. The complaint will be recorded in the Complaints and Appeals register, and in the complaints folder.
3. A written acknowledgement of receipt of the Complaints will be forwarded to the complainant within three (3) business days.
4. Complainants will also be advised about the timeframes within which a response can be expected at all stages of the process.
5. If a complaint (including any review process) is expected to take more than thirty (30) days to finalise, AGA will write to the complainant explaining the delay.
6. AGA Quality and Compliance Manager will convene an appropriate panel including independent persons who will investigate the complaint.
7. During the investigation the complainant will be given an opportunity to formally present their case and have the option of being accompanied/assisted by a support person.
8. The complaint is discussed with ALL parties involved, to ensure a procedurally fair hearing and an unbiased decision is made.
9. The complainant will be informed by email of the outcome of the complaint. This outcome will be recorded in the Complaints and Appeals register.
10. Complainants may use the Formal Appeals Process if they are not satisfied with the outcome of the complaint resolution process.
11. AGA's decision will be reviewed by the Senior Leadership team for opportunities for continuous improvement. Any opportunities identified will be recorded in the continuous improvement register and will be actioned and reviewed by the Management team.

iii. **Formal Appeals Process:**

1. Students not satisfied with their complaint's resolution may submit an appeal within 20 working days after the date the original decision or finding is communicated to the student. A formal appeal must be lodged in writing, using the AGA appeals form available on the website or in any other suitable format – e.g. email, letter, etc.
2. The Appeal is recorded in the Student Complaints and Appeals register and in the Appeals folder.
3. AGA will provide a written acknowledgement of the appeal receipt to the appellant.
4. AGA Quality and Compliance Manager will convene an appropriate panel including relevant independent persons to investigate the appeal and decide to uphold or dismiss the complaint's outcome. If a senior manager is party to the complaint, they will not be included in the panel, to ensure procedural fairness.
5. The appellant will be given a chance to formally present their case to the panel and can be accompanied/assisted by a nominee (such as a family member, friend, or counsellor) if they so desire.
6. The appellant will be notified with the outcome of the appeal within thirty (30) working days, via email, and the outcome will be recorded in the Complaints and Appeals register, and in the appeals folder
7. If the appeal has been successful, the appellant will be advised in writing of further actions to be taken by either party.
8. If the appeal has been unsuccessful the appellant will be advised in writing that they may use an independent mediator if they are not satisfied with the outcome of their appeal.
9. The appellant will need to contact AGA Quality and Compliance Manager in writing within 20 working days after the date of the unsuccessful outcome letter, to organise the external mediation with Resolution Institute, a mediation service.

iv. **External Review**

1. AGA is committed to provide students with a fair and equitable process for resolving any complaints or appeals they may have, and even refer the complainant to the Resolution Institute as the external review body once its internal grievance system has been exhausted. This includes provision of an independent mediator, who is not part of the RTO.
2. Please note, although the referral service is free of charge, the mediator's fees is payable per the schedule of fees published by the Resolution Institute, available at:
<https://resolution.institute/Web/Web/Public-In-Dispute/What-are-the-Dispute-Resolver-schemes/Student-mediation-scheme.aspx>

If the student is dissatisfied with the resolution proposed by AGA, they can access the Student Mediation Scheme provided by the Resolution Institute

Contact details of Independent Mediator:

Resolution Institute
 +61 2 9251 3366
 1800 651 650
infoaus@resolution.institute

- The steps below need to be followed for student application for external review:
 - Download and complete the Student Application for External Review Form.
 - Advise AGA within twenty (20) working days about decision to proceed with the external appeals process.
 - Lodge the Student Application for External Review Form with the Institute and pay their own share of the application fee and attach any supporting documents.
 - The Resolution Institute will liaise with the student and AGA to facilitate mediation proceedings.
3. If a complainant is still not satisfied after the external mediation, they can contact relevant higher/ regulatory bodies as given below:
- ASQA the national regulator accepts complaints and feedback about training providers from all members of the community.
 However, in most cases learners must exhaust the RTO's complaints and appeals process first and provide evidence to ASQA that they have completed this process before submitting a complaint to ASQA.
 Feedback or complaints about an RTO can be submitted directly on ASQA's community space asqaconnect at <https://asqaconnect.asqa.gov.au/>
 Training related complaints can also be lodged on the National Training Complaints Hotline at <https://www.dewr.gov.au/national-training-complaints-hotline/national-training-and-complaints-hotline-complaints-form>
 Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally
 - Complaints about apprenticeship or traineeship can be lodged with the Victorian Registration and Qualifications Authority at vrqa.apprenticeships@education.vic.gov.au
 Phone: 1300 722 603
 - Complaints about issues involving monies, service agreements or fair business practices can be lodged with: Consumer Affairs Victoria
<https://www.consumer.vic.gov.au/businesses/fair-trading>

v. Managing and Recording of Complaints, Appeals and External Review Outcomes

1. The summary of the complaints appeals and external review procedures followed, recommendations and outcomes are recorded in the AGA complaints and appeals register and the folders.
2. If the complaint or appeal is against a staff member, it will be recorded in the staff's HR files. The appropriate manager concerned will inform HR about the details of the complaint and/or appeal and the outcome(s).
3. Complaints and appeals are opportunities for improvement. All outcomes of complaints and appeals and the tasks generated consequently will be logged in the continuous improvement Register.
4. The outcomes and details of the appeals will be saved for record keeping purposes for at least seven (7) years in the student file.
5. AGA will maintain the enrolment of the student until the complaints and appeals process is completed.
6. AGA will maintain the student's enrolment through the internal appeals processes for all types of complaints or appeals.
7. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, AGA will immediately implement any decision and / or corrective and preventative action required and advise the complainant of the outcome.

Supplementary Information

References/ Relevant Legislation

- National Vocational Education and Training Regulator Act 2011 (the Act).
- Education and Training Reform Act 2006
- Standards for Registered Training Organisations (RTOs) 2015
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Freedom of Information Act 1982 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

Related Policies / Procedures/Documents

- All AGA policies and procedures
- Complaints and Appeals Forms
- Complaints and Appeals Register

Responsibilities for Implementation

- AGA managers
- Training coordinators
- Officers
- Trainers and Assessors

Document Control

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