

R RTO Management

R5 Complaints and Appeals

Standards Evidenced	6.1, 6.2, 6.3, 6.4, 6.5 (6.6 not applicable)
Standards Referenced	

General policy

TSTCA will implement a complaints and appeals process which is conducted according to the principles of natural justice and which is available to all staff, clients, learners, and others who wish to access it.

Complaints and appeals

(Standards 6.1, 6.2, 6.3, 6.4, 6.5)

TSTCA will ensure that the complaints process allows for the making of a complaint regarding:

- The actions of TSTCA as a company;
- The actions of TSTCA trainers, assessors, or staff members;
- Any learner of TSTCA; or
- Any other party with whom TSTCA has a relationship, including any third party who is providing services on its behalf.

It is the policy of TSTCA to ensure that the appeals process allows for the making of an appeal against any decision made by TSTCA a staff member or a third party contractually bound to the RTO, including but not limited to:

- Assessment decisions;
- Disciplinary decisions;
- Refund or other fee decisions; or
- Any other decision.

The complaints and appeals process will:

- Be based on the principles of natural justice;
- Be made publicly available through the TSTCA administration;
- Be published in the TSTCA Learner Handbook;
- Ensure that all formal complaints or appeals are acknowledged in writing;
- Be finalised within 60 days, with a target set for the finalisation of all complaints or appeals within 30 days;
- Make provision for informing the complainant or appellant of the reason finalisation cannot be made within 60 days, where this is true;
- Ensure that a complainant or appellant is continuously kept notified as to the status of their complaint or appeal;
- Provide for an independent third-party to review the complaint or appeal if the complainant or appellant deems it necessary; and
- Make provision for the secure storage of records related to the complaint or appeal.

When a complaint or appeal is filed, the appropriate process has been conducted, and the complaint or appeal is concluded, it will be used as a key input into the improvement systems of the organisation. The Chief Executive Officer, or their elected delegate, will ensure that the complaint or

appeal is analysed to determine the cause and, where possible, actions are taken to prevent recurrence of the cause.

Supporting processes

The following processes are defined to ensure these policy requirements are met:

Process Name	Purpose
Complaint Management	Receive, investigate, manage, and resolve a complaint lodged by a learner, staff member, or any other stakeholder of the RTO
Appeal Management	Receive, investigate, manage, and resolve an appeal lodged by a learner, staff member, or any other stakeholder of the RTO

Supporting Forms and Documents

Document Identifier	Name
	Complaints Register
	Appeals Register
R_QP02	Complaints Procedure
R_QP01	Appeals Procedure
R_FM01	Appeals Form (Non-academic)
R_FM02	Complaints Form
R_FM03	Learner Assessment Appeals Form

Evidence

To Evidence	Source
Complaints and appeals	Complaints Register Appeals Register

--- End of Policy ---

Version Control

Version #	Date	Changes
1.0	27/10/17	First release

R_QP02 Complaints Procedure

Standards Evidenced	6.1, 6.2, 6.3, 6.4, 6.5 (6.6 not applicable)
Standards Referenced	

General

The purpose of this procedure is to manage and respond to allegations involving the actions of the RTO as a company, a learner attending TSTCA, trainers and assessors or other staff of TSTCA, in addition to any third party providing services on behalf of The Service Trades College (TSTCA), its trainers, assessors and other staff. This procedure can lead to the Appeals Procedure – [R_QP01 Appeals Procedure](#) which allows for a review of decisions including those reached in regard to assessment by either TSTCA or an RTO acting on behalf of TSTCA.

This procedure is to outline the steps for handling complaints received from clients, staff and stakeholders.

It is the responsibility of all staff, including trainers/assessors to assist complainants with the complaint process, by directing them to the publicly available [R5 Complaints and Appeals Policy](#) and the [R_FM02 Complaints Form](#) on the TSTCA website.

It is the responsibility of the General Manager (or delegated person) to ensure that the complaint process is carried out in accordance with this procedure.

Complaints Procedure

1. Initial lodging of the Complaint

All staff involved in the complaints process must ensure that:

- Natural justice and procedural fairness are adopted at every stage of the process.
- The student wishing to make the complaint is made aware that, by completing a [R_FM02 Complaints Form](#), they will be lodging a formal complaint.
- The student is advised to first try to resolve this issue using non-formal means; e.g. in the case of a student, speaking with their trainer first regarding the issue
- Staff should also recommend that the complainant follow these steps:
 1. Identify and discuss the complaint or grievance with the other party
 2. Discuss the best outcome to the complaint or grievance
 3. Agree to act to resolve the complaint or grievance
- When a Complaints Form is physically brought to the office, the TSTCA staff member receiving it will:
 - Complete the receipt on the back of the form, detailing the titles of any documents which have been attached to the form in order to back up the complaint. Once the receipt is complete, sign and date it and then tear it from the back and give this to the complainant as an initial receipt.
 - Complainants who indicate that they will be lodging a complaint via email should be advised to follow the instructions on the [R_FM02 Complaints Form](#) and request a Delivery Receipt and Read Receipt on the email prior to sending.
- The staff member receiving the completed document should turn to the “Office Use Only” section of the form and fill in their name on the form, together with the date received.

- The staff member should then go the [Complaints Register](#) and register the complaint, giving it a number and completing the details of the complaint in the Register.
- Prior to passing the [R_FM02 Complaints Form](#) on to the General Manager (or delegated officer), the complaint documents should be scanned and saved to the student's electronic file.

2. Review and Investigation process

- The General Manager (or delegated officer) will review the complaint and, within 7 working days of its receipt, acknowledge it in writing to the complainant.
- The aim is to finalise all complaints within 60 days, with a target set for finalisation within 30 days.
- If, at any time, it is considered that more than 60 days will be required to process the complaint, then the General Manager (or delegated officer) will inform the complainant in writing, including the reasons why more than 60 days is required.
- The General Manager (or delegated officer) will conduct a full investigation into the complaint.
- Regular updates should also be provided to the complainant as the matter progresses.
- It is important that the "Office Use Only" section of the Complaints Form is filled in with all details kept up to date.

3. Formal Interview/Hearing

- After a full review by the General Manager (or delegated officer):
 - the complainant will be contacted to arrange a suitable time for a full interview, either over the telephone or in person
 - Complete a full record of the interview using the [S_FM01 Record of Interview Form](#)
 - Interview the person about whom the complaint was made (if applicable)
 - Conduct interviews with other relevant parties
 - Collect applicable evidence to substantiate or dismiss the complaint. A [S_FM02 Statement Form](#) can be used to collect information prior to interviews with all relevant parties
- All parties will be advised that they may invite a support person to the interview should they feel the need.
- Both the complainant and the complainee will have the right to call relevant witnesses or provide written statements from witnesses. Witnesses shall be excluded from the interview/hearing, except for the period of their testimony.
- All TSTCA staff and witnesses will be requested to maintain confidentiality. Any information disclosed at the proceeding is confidential and shall not be disclosed to parties outside of the hearing.
- A full record of the interview (using the [S_FM01 Record of Interview Form](#)) will be later forwarded to the complainant for their review and sign-off, provided that they agree that it is a true and accurate record of what took place. A copy will be filed in the appellant's file.
- Within 14 working days of the formal interview/hearing, formal written correspondence (not email) must be sent by the General Manager (or delegated officer) notifying the complainant of the decision. This correspondence must include:
 - the names of persons involved in investigation of the complaint
 - the reasons for the complaint
 - the outcome of the deliberations
 - the reasons for the decision

- Following the decision, both the complainant and the complainee will be advised that an appeals process is available to them should they believe that the complaint was not dealt with properly.
- Should it be required, a mediation service is available through the Australian Mediation Association's (AMA) Dispute Resolution Program.

4. Post Complaint

- TSTCA will make provision for the secure storage of records relating to the complaint.
- Ensure that all outcomes are recorded in the [Complaints Register](#)
- Check that the "Office Only" section of the [R_FM02 Complaints Form](#) has been fully completed.
- Completion includes consideration of possible improvement/s based on the complaint outcome.
- If applicable, raise an Improvement Request via an [T_FM01 Improvement Request Form](#)

Supporting Forms and Documents

Document Identifier	Name
XXXX	Complaints Register
R5	Complaints and Appeals Policy
R_FM02	Complaints Form

--- End of Procedure ---

Version Control

Version #	Date	Changes
1.0	20/04/18	First release
2.0	19/07/18	Clause added naming Australian Mediation Association should dispute resolution be required + Names of supporting forms and documents added

R_QP01 Appeals Procedure

Standards Evidenced	6.1, 6.2, 6.3, 6.4, 6.5 (6.6 not applicable)
Standards Referenced	

General

The purpose of this procedure is to outline the steps for processing a student's appeal against any decision made by The Service Trades College (TSTCA). This procedure includes Student Assessment Appeals as well as general Non-academic appeals.

It is the responsibility of all staff, including trainers/assessors to assist students with the appeal process, by directing them to the publicly available appeals process on the TSTCA website including the [R5 Complaints and Appeals Policy](#) and the appropriate Appeals Form to complete – either [R_FM03 Learner Assessment Appeals Form](#) or [R_FM01 Appeals Form \(Non-academic\)](#). The latter form is to be used for disciplinary appeals or appeals against other non-academic decisions.

It is the responsibility of the General Manager (or delegated person) to ensure that the appeal process is carried out in accordance with this procedure.

Appeals Procedure

1. Initial lodging of the Appeal

All staff involved in the appeals process must ensure that:

- Natural justice and procedural fairness are adopted at every stage of the process.
- The student wishing to make the appeal is made aware of the time limits involved when lodging an appeal; i.e. 20 working days of being notified of the decision (refer to the instructions on the appropriate form)
- The student is advised that, in the case of an appeal regarding an assessment result, they must, prior to lodging an appeal, first discuss their assessment result with the assessor, explaining why they believe the result is inaccurate/unfair and, if still wishing to lodge an appeal after this discussion, must still do so within 20 working days of the original notification of the assessment result.

When an Appeals Form is physically brought to the office, the TSTCA staff member receiving it will:

- Complete the receipt on the back of the form, detailing the titles of documents (such as those being presented as evidence) which have been attached to the form. Once the receipt is complete, sign and date it and then tear it from the back and give this to the student as an initial receipt.
- Students who indicate that they will be lodging an appeal via email should be advised to follow the instructions on the form and request a Delivery Receipt and Read Receipt on the email prior to sending.
- The staff member receiving the completed document should turn to the "Office Use Only" section of the form and fill in their name on the form, together with the date received.
- The staff member should then go to the [Appeals Register](#) and register the appeal, giving it a number and completing the details of the appeal in the Register.
- Prior to passing the Appeal Application on to the General Manager (or delegated officer), the appeal documents should be scanned and saved to the student's electronic file.

2. Review and Investigation process

- The General Manager (or their delegated officer) will review the appeal and, within 7 working days of its receipt, acknowledge it in writing to the student who lodged the appeal.
- The aim is to finalise all appeals within 60 days, with a target set for finalisation within 30 days.
- If, at any time, it is considered that more than 60 days will be required to process the appeal, then the General Manager (or delegated officer) will inform the appellant in writing, including the reasons why more than 60 days is required.
- Conduct interviews with all relevant parties to the appeal.
- Collect all applicable evidence
- In the case of an Assessment Appeal, review the assessment evidence in consultation with the assessor, including any evidence to demonstrate gap training that was undertaken to support the development of the appellant and assisting them to achieve the competency.
- Regular updates should also be provided to the appellant as the matter progresses.
- It is important that the "Office Use Only" section of the Appeals Form is filled in with all details kept up to date.

3. Formal Interview/Hearing

- After a full review of the appeal documentation, including any evidence presented, the appellant will be contacted to arrange a suitable time for a formal interview/hearing.
- The appellant will be advised that they may invite a support person to the interview should they feel the need.
- Both parties will have the right to call relevant witnesses or provide written statements from witnesses. Witnesses shall be excluded from the interview/hearing, except for the period of their testimony.
- All TSTCA staff and witnesses will be requested to maintain confidentiality. Any information disclosed at the proceeding is confidential and shall not be disclosed to parties outside of the hearing.
- A full record of the interview (using the [S_FM01 Record of Interview Form](#)) will be later forwarded to the appellant for their review and sign-off, provided that they agree that it is a true and accurate record of what took place. A copy will be filed in the appellant's file.
- Within 14 working days of the formal interview/hearing, formal written correspondence (not email) must be sent by the General Manager (or delegated officer) notifying the appellant of the decision. This correspondence must include:
 - the names of persons involved in investigation of the appeal
 - the reasons for the appeal
 - the outcome of the deliberations
 - the reasons for the decision
- In the event that the appellant still believes that his/her appeal has not been dealt with appropriately, TSTCA will provide for an independent third-party to review the appeal.
- Should it be required, a mediation service is available through the Australian Mediation Association's (AMA) Dispute Resolution Program.

4. Post Appeal

- TSTCA will make provision for the secure storage of records relating to the appeal.

- Ensure that all outcomes are recorded in the [Appeals Register](#)
- Check that the “Office Only” section of the [Appeals Form](#) has been fully completed.
- Completion includes consideration of possible improvement/s based on the appeal outcome.
- If applicable, raise an Improvement Request via an [T_FM01 Improvement Request Form](#)

Supporting Forms and Documents

Document Identifier	Name
R5	Complaints and Appeals Policy
XXXX	Appeals Register
R_FM01	Appeals (Non-academic) Form
R_FM03	Learner Assessment Appeals Form

- End of Procedure -

Version Control

Version #	Date	Changes
1.0	20/04/18	First release
2.0	19/07/18	Clause added naming Australian Mediation Association should dispute resolution be required + Names of supporting forms and documents added