

Complaints and Appeals Policy & Procedure

Combined Academic and Non-Academic

1. Policy Statement

Ashtrail Pty Ltd (the RTO) is committed to the highest standards of education and professional services and providing an effective, efficient, timely, fair and confidential process for resolving academic and non-academic complaints.

This policy applies to all Students and potential Students of the RTO and other Stakeholders.

2. Purpose

The RTO aims to:

- foster a culture that welcomes complaints as a valuable opportunity to improve organizational or academic processes or products;
- ensure that complaints are resolved promptly, objectively, fairly, with sensitivity and confidentiality; and
- ensure that both corrective and preventative actions are implemented to prevent recurrence of issues.

This policy applies to both academic and non-academic matters from Students, potential Students and other Stakeholders, and includes an informal process and a three (3) stage formal process including:

- lodging a formal complaint;
- an internal appeal or review of the issue; and
- provision for independent review.

Academic matters include, but are not limited to issues which relate to Student progress, attendance, assessment, course content or awards in a VET course of study.

Non-academic matters include, but are not limited to the general performance or decisions of the RTO, its trainers, assessors, other staff or Partners in the delivery of products or services, such as financial matters (fees, refunds and payment terms), Staff and Student behaviour of conduct, management of personal information, or facilities and resources.

This complaints and appeals process will be at no cost to the student or client (unless referred to a third party for Stage Three (3) external review; see procedure for more details).

3. Application

The RTO will investigate (as far as principles of natural justice and procedural fairness allow) anonymous complaints but encourages Students or Stakeholders to utilise the informal and formal processes to enable a thorough investigation and resolution process.

The General Manager is responsible for the authorisation, publication and implementation of this policy, for ensuring it is communicated to all staff in writing and for ensuring all RTO Staff are trained in its application.

The complaints and appeals policy and procedure and applicable form is made available to all Students, potential Students, and Stakeholders by directly contacting the RTO, through the RTO's website, and within the Student Handbook.

4. Procedure

General principles applying to all stages of this procedure which will be adhered to by the RTO include:

- both the complainant and anyone who has allegations made against them will have the opportunity to present their case at each stage of the procedure;
- any people involved in the complaint will have the option of being accompanied or assisted by a third person (support person such as family member, friend or counsellor) at relevant meetings if they so desire;
- any decision maker will be independent from the decision being reviewed;
- neither the complainant nor the respondent will be discriminated against or victimized;
- complaints and requests for an appeal will be acknowledged in writing and finalised as soon as practicable. At all stages of the process, discussions relating to complaints and appeals will also be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the complainant and / or the respondent if requested; and
- records of all complaints and appeals will be kept for a period of at least five (5) years. These records will be kept strictly confidential. The complainant shall have appropriate access to these records; and
- the RTO will maintain a 'complaints register' including details of the complaints or appeals received, decisions and actions taken to eliminate or mitigate the likelihood of recurrence. The register should identify cause of the complaint/appeal and list the steps taken by the RTO to prevent the situation happening again.

Where the RTO considers that more than sixty (60) calendar days may be required to process or finalise the formal stages, they will inform the complainant in writing of the reasons for the delay (such as availability of or access to 'evidence' or sources, or specialist) and will regularly update the complainant regarding the progress of the process.

Informal Complaint or Appeal

In the first instance, Students or Stakeholders (complainants) are encouraged to discuss the matter(s) informally with the RTO staff or Students involved. Where possible, disputes should be managed and resolved between the parties informally, although recorded for future reference (in event of a systemic or recurrent issue).

Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed.

Stage One (1) – Formal Complaint or Appeal

If the issues cannot be satisfactorily resolved informally the complainant should submit a formal complaint to the attention of the Compliance Officer.

Whilst a complaint form is available from the RTO Staff or the RTO website, formal complaints may also be made via email, website feedback, letter or via an interview or verbal conversation with any RTO Staff member who will record the necessary details. Complainants are encouraged to supply sufficient information (and supporting evidence if available) about the matter(s) to enable the RTO to investigate including (if applicable):

- submission date of complaint;
- name of complainant;
- When the incident(s) took place;
- who was involved or may have witnessed the incident(s);
- whether the matters have previously been discussed with or reported to the RTO Staff;
and
- the complainant's desired outcome to resolve the issue(s).

Students lodging an appeal about an assessment outcome must do so within fifteen (15) working days of being notified of the initial assessment decision.

The Compliance Officer will acknowledge receipt of the complaint or appeal in writing and will make contact with the complainant within five (5) working days to discuss and / or seek any additional necessary information to investigate the issue.

The Compliance Officer will investigate the complaint and determine the outcome within twenty (20) working days of it being received by the Compliance Officer and advise the complainant in writing of the decision within five (5) working days of finalising the investigation of the complaint.

The complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of Stage One (1).

Stage Two (2) – Internal Review

If the complainant is not satisfied with the outcome of Stage One (1), they may lodge an appeal with the Business Manager. To enable timely resolution, the appeal should be submitted by the complainant within fourteen (14) calendar days of notification of the Stage One (1) formal complaint decision.

An Appeal Committee, consisting of the Business Manager (or delegated Senior Officer) and at least one other person* with relevant RTO or training or Industry relevant expertise (as required by the nature of the complaint) will

- consider the nature of the appeal, the decision in question and all other relevant material or information including information supplied by relevant RTO Staff; and
- meet with the complainant and respondent and Compliance Officer who investigated the issue(s) initially, if necessary.

Immediately on reaching its decision, or within twenty (20) working days of receipt of the appeal, the Committee will communicate their decision to the complainant in writing. The written notification of the final decision must state that if the complainant is not satisfied with the final decision, they have the right to access an external independent appeal process.

* Anyone who has been involved in the decision which is subject to appeal cannot be a member of the Appeal Committee

Stage Three (3) – External / Independent Review

If the complainant is not satisfied with the outcome of Stage Two (2), they may apply for an External Review. The External Review will be formally investigated by an agent external to the

RTO, such as the external regulator or there may be a recommendation to involve other agencies, including legal agencies. The most relevant External Review agencies are listed below.

- VET Fee-Help: *The Administrative Appeals Tribunal*
<http://www.aat.gov.au/ApplyingForAReview/WhenCanTheAATHelp.htm>
- Any Australian Domestic Student: *The National Training Complaints Hotline*
Phone: 133873 (Monday to Friday, 8am to 6pm nationally)
Email: skilling@education.gov.au; or
- request that the matter be referred to an external dispute resolution process agreeable to both parties.

Should the complainant wish to pursue the matter through the external review stage, they should be aware that fees and charges, payable by the complainant, may be applicable.

The RTO agrees to abide by the outcome of an agreed external review and further will ensure due consideration is given to any recommendations arising from the External / Independent Review. The RTO will advise the complainant in writing as to the actions taken. Where applicable, these recommendations will be incorporated into the RTO's policies and procedures for implementation, ensuring continuous improvement of service and quality education to Students.