

# Complaints and Appeals

## POLICY & PROCEDURE

Division

LMIT – QMS - PPM

Policy & Procedure number

008-V1

Updated

5/8/2015

Implemented

13/08/2015

Reviewed by

Melanie MacDonald

**Chief Executive Officer**

## 1. Purpose

The purpose of this policy is to support Standard 1 clause 1.5 -1.7, Standard 2 clause 2.4, Standard 5 clause 5.1 - 5.2, Standard 6 clause 6.1 - 6.6

## 2. Scope

This policy applies to:

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

## 3. Policy

This policy/procedure supports the RTO to provide a process for complaints and appeals to be heard and actioned. Complaints arise when a client is not satisfied with an aspect of our services and requests action to be taken to resolve the matter. Line Management (LMIT) will ensure the complaints and Appeals policy is available to the public. If Line Management (LMIT) uses third parties to deliver services, the policy or policies shall be made available to prospective learners of the third parties.

Appeals arise when a client is not satisfied with a decision that we have made on assessment. Any complaint or appeal must be considered in a transparent, objective and unbiased manner. The process incorporates the principles of natural justice and procedural fairness.

All complaints and appeals received by Line Management (LMIT) will be viewed as an opportunity for improvement.

Despite all efforts of LMIT to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. Any person wishing to make a complaint against LMIT concerning its conduct as an RTO, whether a complaint, appeal or other matter shall have access to the complaints/appeal process. All formal complaints will be heard and decided within ten (10) working days. A register of complaints which documents all formal complaints and their resolution will be kept. Any substantiated complaint will be reviewed as part of the continuous improvement procedure.

The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student (unless referred to a third party; see procedure for more details).

## 4. Policy validity statement

If this document has passed its review date (as shown above), it may be invalid. Please ensure you're referring to the most current version before relying on its contents.

## 5. Procedure

The complaints and appeals policy and procedure and applicable forms is made available to all students and potential students by directly contacting the RTO, through the RTO's website, and within the student handbook.

## General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's issue. Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed:

- Any student, potential student, or third party may submit a formal complaint to LMIT with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the Director.
- Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and/or Assessment Appeals Form' and state their case providing as many details as possible. This form can be gained by contacting Student Administration at the RTO, or through the RTO website.
- All formally submitted complaints or appeals are submitted to Training and Quality Manager. Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant;
  - Nature of complaint ;
  - Date of the event which lead to the complaint
  - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the Training and Quality Manager regularly. The information to be contained and updated within the register is as follows:
  - Submission date of complaint
  - Name of complainant
  - Description of complaint / appeal
  - Determined Resolution
  - Date of Resolution
- A student may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
- The Training and Quality Manager shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint within ten (10) working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Once a decision has been reached the Training and Quality Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right of appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.

- The Training and Quality Manager shall ensure that the RTO will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action that is required, and advise the student of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the 'Complaints and Appeals Register' by the Training and Quality Manager and on the students file.
- The Training and Quality Manager shall identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

### Appealing a Decision

All students have the right to appeal decisions made by LMIT where reasonable grounds can be established. The areas in which a student may appeal a decision made by LMIT may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion / decision that is made after a complaint has been dealt with by LMIT in the first instance.
- To activate the appeals process the student is to complete an 'Assessment Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Administration
- The Training and Quality Manager shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- The process for all formally lodged appeals will begin within ten (10) working days of the appeal being lodged.
- The Training and Quality Manager shall ensure that LMIT acts on any substantiated appeal.
- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

### General appeals

Where a student has appealed a decision or outcome of a formal complaint they are required to notify LMIT in writing within twenty (20) working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

The appeal shall be lodged through the Training and Quality Manager and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.

The Training Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

The student shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify LMIT if they wish to proceed with the external appeals process.

## Assessment appeals

Where a student wishes to appeal an assessment they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'Complaints and Appeals Register.'

The Training Manager shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer & Assessor appointed by LMIT.

The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Line Management if they wish to proceed with the external appeals process

## External Appeals

If not satisfied with the decision in stage 2, the complainant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed for that purpose.

The details of this external body are as follows:

### South Queensland Dispute Resolution Centre

Level 1, 363 George Street  
Brisbane 4001  
Phone

- (07) 3239 6007
- 1800 017 288 (toll free outside Brisbane)

Email: [drc.sq@justice.qld.gov.au](mailto:drc.sq@justice.qld.gov.au)

<http://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/view/?title=South+Queensland+Dispute+Resolution+Centre>

## Further information

If a client (student or other client) is still dissatisfied with the decision of the RTO, they may wish to seek legal advice or place a complaint about the RTO to ASQA directly.

If, after the RTO's internal complaints and appeals processes have been completed, you still believe the RTO is breaching or has breached its legal requirements, you can submit a complaint to ASQA by completing the the Complaint about a training organisation operating under ASQA's jurisdiction form. Except in exceptional circumstances, you must attach evidence to your complaint form showing:

- that you have followed your RTO's formal complaints procedure, and
- the RTO's response.

ASQA's processes require you to identify yourself to ASQA as a complainant, although you may request that your identity is kept confidential throughout any investigation that ASQA undertakes.

- Australian Skills Quality Authority
  - Melbourne—Level 6, 595 Collins Street
  - Brisbane—Level 7, 215 Adelaide Street
  - Sydney—Level 10, 255 Elizabeth Street
  - Canberra—Ground Floor, 64 Northbourne Avenue Canberra City
  - Perth—Level 11, 250 St Georges Terrace
  - Adelaide—Level 5, 115 Grenfell Street
  - Hobart—Level 11, 188 Collins Street

Ph: 1300 701 801

Email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au)

Website: [www.asqa.gov.au](http://www.asqa.gov.au)

## 6. References

National Vocational Education and Training Regulator Act 2011

South Queensland Dispute Resolution Centre

## 7. Related Topics

Access and Equity

## 8. Associated Documentation

Complaints and Appeals Register

Complaints Form

Assessment Appeals Form

## 9. Internal Controls

Any Changes required are authorised by the Training and Quality Manager

Document History			
Amended	Amended By	Division	Details
05/8/2015	Bonnie Scobie	TQM	Updated to reflect Standards 2015