



Policy and Procedure

Complaints and Appeals

Relevant clauses: 1.13 – 1.20

1. Policy

Complaints and appeals are managed by the RTO in a fair, efficient and effective manner. The school RTO will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaints and appeals process. The RTO will create an environment where learner's views are valued. This policy and procedure will be made publicly to the School/College community by being made available on the RTO's intranet and in materials provided to learners on commencement of enrolment. In the case of delivery through third parties, the material will be made available to the learners through the third party.

Mueller College ensures that all formal complaints and appeals will be heard with resolutions reached within 60 calendar days where possible. In the case of the time frame being longer than this, the RTO will communicate with the complainant/appellant why the process is taking longer and an estimated timeframe for resolution as well as being kept informed regarding ongoing progress.

Details of all formal complaints and appeals will be securely maintained in a Register of Complaints and Appeals and will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

2. Scope

This policy and procedure covers:

- The RTO, its trainers, assessors or other staff;
- A third party providing services on the RTO's behalf, its trainers, assessors or other staff; and
- A learner of the RTO.

Complaints may be made regarding the conduct of the above parties, and appeals may be made for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

3. Definitions

Standards for Registered Training Organisations (RTOs) 2015 is a set of nationally agreed quality assurance arrangements for training and assessment services delivered by Registered Training Organisations (RTOs).

4. Roles and responsibilities

The *Chief Executive Officer* is responsible for:

- Approves and ensures the correct implementation of this policy and related procedures;
- Delegates the responsibility of receiving and recording complaints and appeals to the RTO Manager;



- Participates in the complaint and appeal process as chair of the panel; and
- Appoints an independent third party to mediate in the case of the complainant/appellant not being satisfied with the outcome.

The *RTO Manager* is responsible for:

- Ensuring staff and learners are aware of this policy and procedure;
- Receives and records all formal complaints and appeals on the register;
- Provides the CEO with details of the complaint or appeal;
- Meets with the CEO to discuss and possibly decide on an outcome;
- If an outcome is not reached, coordinate and convene the Complaint and Appeal Committee;
- When an outcome is reached notify the complainant/appellant in writing of the decision and record this in the Complaints and Appeals Register;
- In the case of the complainant/appellant being unsatisfied with the outcome of the decision, organise an independent third party to review the decision and mediate; and
- Coordinate a meeting to review the policies, procedures and strategies to mitigate the risk of the complaint or appeal occurring in the future.

The *Head of Department* is responsible for:

- Review evidence provided by the complainant/appellant in an informal complaint and make a documented decision regarding this; and
- Participating in the complaint and appeal process as requested by the RTO Manager or CEO.

The *Trainer and Assessor* is responsible for:

- Review evidence provided by the complainant/appellant in an informal complaint and make a documented decision regarding this; and
- Participating in the complaint and appeal process as requested by the RTO Manager or CEO.

5. Procedures

If the complainant/appellant meets with any staff member to make a complaint,

- The staff member should discuss with the complainant/appellant (and their support), the complaint/appeal details
- Complete with any assistance a complaints/appeals form.
- Determine:
 - If they have the decision making capacity
 - If they can implement action that is agreeable to the complainant/appellant

Consider privacy issues

Receipt of an Oral Complaint/appeal (when the complainant/appellant wishes the complaint to be considered using the Complaints Procedure and the RTO's complaint form)

The staff member taking the complaint/appeal will record the following information:



- Complainant's/appealant's full name, address, phone/email address.
- Why the complaint/appeal has been escalated from a concern or is not to be treated as a concern.
- If the complaint/appeal relates to another person(s), that person(s) full name and position or if the student is not able to provide these details as much information as possible.
- The concerns raised by the complainant/appeal.
- The complainants/appealants desired outcome to the complaint/appeal.
- The complaint/appealant should receive a copy of the complaint/appeal form.

If a complainant/appealant raises an issue but is not willing to proceed with the complaint/appeal then they should be advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO

If the staff member resolves the complaint/appeal and the nature of the complaint/appeal is in regards to the RTO management systems, the quality of training and assessment, the quality of client services or a non-compliance of the VET Quality Framework; the staff member should:

- Clarify and document the details of the complaint/appeal with the complainant/appealant
- Record the complaint/appeal and its outcomes in the Student Management System (SMS)
- Inform the Director (or delegated person) of the details of the complaint/appeal and the action implemented
- Generate an acknowledgement letter from the SMS to the complainant/appealant of the complaint/appeal and its outcome.

If the staff member receiving the complaint/appeal is unable to resolve the issue, or it is outside of the staff member's area of responsibility; then the staff member should:

- Record the complaint/appeal in the SMS
- Request the complainant/appealant put the complaint/appeal in writing to the CEO (or delegated person).
- Provide advice about anonymous complaints
- Direct or assist in directing the person to another person who could assist
- Provide assistance with a Complaints and Appeals form.

The CEO (or delegated person) will:

- Provide an acknowledgement in writing of the complaint/appeal including the Complaints and Appeals Procedure, a review of the complaint/appeal (for clarification) and the anticipated outcome by the complainant/appealant. If a complaint/appeal cannot be investigated by the RTO (for whatever reason), then the CEO should inform the complainant/appealant at this point and refer them to the most appropriate body.
- Review the complaint/appeal within five (5) working days and make a decision about the complaint/appeal;
- Interview the respondent to the complaint/appeal, outlining the specific allegations that have been made about them, and giving them the opportunity to make a full response. (During the investigation process, the complainant/appealant must be given the opportunity to present his/her case (with the provision of a mutually acceptable support person and/or independent adviser in attendance, if required). This will be at no cost to the student)
- Determine the appropriate action, if any;
- Advise the parties of the action and their recourse to further action/appeal
- Record the actions in the Improvement Register; and implement the actions.



No action relating to an enrolment status is to be taken until such time as the complaint/appeal has been resolved. However, the CEO retains the right to take such steps as may be necessary to ensure the health, safety and welfare of the student and/or of others.

After the investigation process is complete, the CEO (or delegated person) will provide a written response within fourteen (14) working days to the complainant/appellant, of the action taken and the reasons for the decision.

If, at any stage, the process exceeds the timelines stated, or more than 60 calendar days are needed to process and finalise the complaint/appeal; the RTO will:

- Inform the complainant/appellant in writing of the delay, including reasons why more than 60 calendar days are required; and
- Regularly update the complainant on the progress of the matter and ensure these are recorded in the SMS.

The CEO (or delegated person) will review the action to determine its effectiveness and client's satisfaction.

If the client is dissatisfied with the outcome of the complaint, they can appeal the outcome in accordance with the RTO's procedure Appeals Procedure.

Any complaint/appeal which appears to be related to any illegal activity such as theft, assault, etc., will be referred to the appropriate authority after discussion with the person making the complaint/appeal.

Written records of the complaint/appeal will be retained in the complaints/appeals file and a copy included in the relevant student's file, where applicable. All records of complaint will be maintained in accordance with the procedure Records Management.

The organisation seeks to prevent complaints by ensuring that students are satisfied with their training experience and their training product and its outcomes. Personnel are expected to be fair, courteous and helpful in all dealings with students. All complaints and appeals are to be finalised as soon as possible.

Independent Review:

If person(s) are dissatisfied with the decision of the VET Manager, a review by a party independent of the RTO can be requested by the student:

- the complainant shall be given an opportunity to present his/her case to the independent party;
- the independent party will make a final decision on the complaint and/or appeal;
- the independent party will communicate its decision on the complaint and/or appeal to all parties in writing as soon as practicable. If the RTO needs more than 60 calendar days to process and finalise the complaint and/or appeal, the RTO will inform the complainant or appellant of the reasons for this in writing and provide regular updates;
- all information is kept securely to avoid breach of privacy;
- the Complaints and Appeals Register will be updated

A secure record of all complaints and appeals received and their outcomes is stored in a secure Dropbox folder of RTO Manager.



The root cause of any complaint will be included in the systematic monitoring and evaluation processes of the RTO so that appropriate corrective action can be instigated to eliminate or mitigate the likelihood of reoccurrence.

6. Records and documentation

[Complaints and Appeals Register](#)

Approval			
Principal approving Complaints and Appeals Policy			
Name		Date approved	
Signature and/or email			
RTO Manager approving Complaints and Appeals Policy			
Name		Date approved	
Signature and/or email			