



# Complaints & Appeals Policy and Procedure

## Policy

The Complaints & Appeals Policy and Procedure's goal is to guarantee that any complaints or concerns brought up by staff or students will be handled fairly, in confidence, and in accordance with the principles of procedural and natural justice. The issues will be paid attention to, and their resolution used to improve the RTO's operations and the training and assessment experiences for both staff and students on a continuing basis.

## Principles

In accordance with this policy, RTOs must follow a specific procedure in order to have their complaints or grievances handled properly.

### **1. Complaints:**

The RTO shall handle and respond to complaints or grievances involving the conduct of:

- the RTO.
- RTO trainers, assessors, or other staff members.
- and Student(s) enrolled with the RTO.

During staff orientation, information about this method is provided to every employee.

### **2. Appeals:**

The Student Handbook and the website both inform students of their ability to challenge any RTO

decision. The resolution of a grievance or complaint is one of these decisions. The term

"academic

appeal" refers to a dispute a student has with an assessment judgement.

### **3. Management of complaints and appeals**

Throughout the complaint and appeals process, all complaints and grievances will be handled by

applying the principles of procedural fairness and natural justice (i.e., the right to be heard, the rule

governing the admissibility of evidence, and the rule against bias).

- informing the person/s involved about the allegations made
- providing the person/s involved the opportunity to present their side of the incident (*right to be heard*)
- base decisions on evidence provided by all involved (*evidence rule*)
- operating in a fair and unbiased approach to the issue (*bias rule*)
- making the Complaint and Appeals policy publicly available via the website
- providing a clear process for students to file a complaint/ appeal
- acknowledging a complaint/ appeal in writing and finalising the issue as soon as possible
- maintaining privacy, confidentiality and anonymity if requested
- providing a review by an independent party agreeable to both parties (RTO and complainant) if requested whenever the process has failed to resolve the complaint/ appeal

# **Complaints and Appeals**

## **Procedure**

### **4. Informal Process**

- The complainant is advised to report the issue by email or by speaking with the RTO manager, assessor, trainer, administrative staff, or CEO in order to have the complaint or appeal resolved as fast as feasible.
- As a result, unless the issue is deemed to be sufficiently significant or pertinent to the operation of the RTO, it will not be documented, recorded, or reported. Issues and complaints handled in this manner do not constitute part of the formal complaint system.

### **5. Lodging a complaint Formal process**

- The student enrolment must be kept up during the complaints and appeals process if the student elects to use the RTO's complaints and appeals procedure.
- If the complainant is not pleased with the results of the informal procedure, they may file a formal complaint in writing via the formal complaints and appeals process, which can be found on our website or at the front desk, and submit it to the CEO, RTO Manager, trainer, or assessor.
- The complaint form must contain all relevant information, such as dates, names, course codes (if applicable), a description of the incident, and supporting documentation, such as an email chain. The complaint must be supported by facts in order to be properly investigated.
- The form should contain any action done to address the complaint's resolution.
- The RTO will schedule a meeting between the complainant and the CEO within 10 working days after setting up a meeting between the complainant and the CEO. A replacement date must be agreed upon in writing by all parties in the event that the timeframe is not convenient for any party.

### ***Dealing with complaints***

- The CEO will make an effort to work out a resolution with the complainant and any other parties involved.
- The CEO will sign and date that the complaint has been received and heard at the complaint meeting.
- Unless all parties agree otherwise in writing, a resolution period of no more than 15 working days shall be granted.
- If it is determined that the complaint process requires more than 60 calendar days to finalise, the RTO will:
  - Inform and explain in writing to the complainant why more than 60 calendar days may be needed, and
  - Regularly inform the complainant on the progress of the matter
- If everyone concerned agrees that the CEO's activities are the subject of the complaint, an impartial person might be chosen to look into the situation.

### ***Outcome of complaints***

- The RTO administration staff, or the CEO, will provide the complainant with a written report of the decision and the reasons for the decision after the complaint has been resolved (15 working days or as agreed to by all parties involved).
- The report will be included into **record**.

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### ***Appeals against complaint outcomes***

- If the individual is unhappy with the resolution of the complaint process, they may file a written appeal within 10 working days of receiving the written report of the official complaint.
- Within 10 working days of receiving the appeal, RTOs must begin the appeal procedure
- The complainant and other parties concerned may be consulted by a person who was not engaged in the original decision.
- If a complaint is made and a face-to-face interview is scheduled, the complainant may request company. After the appeal process has started, it must be finished within 15 working days.
- Within two working days of the appeal's conclusion, the CEO will send a written report to the complainant outlining the decision and its justifications.
- This report will also be put on record.
- If the complainant is still dissatisfied with the resolution following this process and the issue is still unresolved, the CEO and the complainant may agree to refer the case to an impartial arbitrator. Should the process stall at this point without a resolution, the RTO will, if necessary, inform the VET Regulator of the information offered, the accusations levelled, and the RTO's compliance with the complaints and appeals process.

### ***Actions arising from complaints***

- Any persistent problems discovered as a consequence of a complaint will be noted in the register of complaints and appeals and allocated to the RTO's continuous improvement process. Meetings with management and staff will be held to discuss and take action on these issues.
- Any vexatious complaint, which is one that is unfounded, brought in ill faith, and devoid of supporting documentation. Students, trainers, staff, or anyone else connected to the RTO will be referred to the appropriate authorities—in the first instance, the VET Regulator—if the complaint is made with the intention or made simply to harm the reputation of the RTO. According to the law, a vexatious complaint is a type of abuse that has the power to hurt or disrupt an individual or business, affect their reputation, and cause psychological injury. The RTO will not put up with false or pointless complaints.

### **Academic Appeals**

- An "Academic Appeal" is a complaint or appeal regarding an assessment. Assessment-related appeals will be handled impartially, fairly, and based on the merits of the appeal after a full investigation. An academic appeal may be based on the following allegations:
  - incorrect marking
  - misinterpretation of evidence
  - missing evidence – evidence submitted but not considered
  - inappropriate, incomplete, or unfair assessment procedures
  - assessor bias, unfairness, or misjudgement
- Students have the right to challenge the assessment decision if they disagree with the results of their final exam. Students who receive a final score of "Competency Not Achieved" have up to one month to challenge the decision (CNA).

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## **Procedure**

### **6. Informal Process**

- The complainant is encouraged to discuss the academic appeal with the assessor in the first instance. The student can email or communicate with the RTO management staff, Manager, or CEO to seek a satisfying settlement if the assessor is unable to do so.
- Because these appeals are handled outside of the normal complaint process, they are not documented, recorded, or reported unless they are deemed to be particularly significant or pertinent to how the RTO operates.
- Students are urged to submit a formal academic appeal in writing if they are dissatisfied with the decision of the informal academic appeal.

### **7. Formal Process**

- The student must fill out the complaints and appeals form, which is available at reception or on our website, and send it to the RTO administration staff, Manager, or CEO in order to make a formal academic appeal.
- Unless all parties agree in writing to a different timetable, the RTO shall acknowledge receipt of the appeal in writing, update the student's records folder, and schedule a meeting between the student and the CEO within 10 working days.
- If they choose, the student may use a support person to help them make their argument.
- The CEO and a certified trainer/assessor other than the initial assessor will make up the academic appeals panel, which will be created with the aim of resolving the appeal.
- The student and the academic appeals panel may consult with important individuals to obtain information or support for their arguments.
- The student and the support person are not permitted to be present when the academic appeals panel deliberates.
- Unless all parties agree in writing to an extension, the resolution period shall be limited to 15 working days.
- If it is found that the appeal procedure would take more than 60 days to complete, the RTO will:
  - Inform and explain in writing to the student why more than 60 calendar days may be needed, and
  - Regularly inform the student on the progress of the matter
- The RTO administration staff, or the CEO, will notify the student in writing of the decision and the reasons for it when the appeal has been concluded (15 working days) or as agreed to by all parties.
- The choice and its justification will be kept in the student's records folder as well.
- The academic appeals panel's decision could be to:
  - uphold the assessor's initial judgement
  - recommend another assessment is undertaken with a new assessor or
  - uphold the appeal and award successful completion of the unit/s of competency that were the subject of the academic appeal.
- If the student believes that the topic is still unresolved following this process, the CEO and the student may agree to refer the case to an impartial arbitrator.

### ***Actions arising from complaints***

- Any persistent problems discovered as a consequence of a complaint will be noted in the register of complaints and appeals and allocated to the RTO's continuous improvement process. Meetings with management and staff will be held to discuss and take action on these issues. Links to other programmes, procedures, or papers:

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- Complaints and appeals form
- Complaints and appeals register
- Continuous improvement and quality assurance register.

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