

Policy & Procedure Complaints & Appeals

Purpose

The purpose of this Policy & Procedure (P&P) is to ensure that all complaints and appeals are dealt with in a constructive and timely manner. It ensures overseas and domestic students have the right to natural justice protected through access to professional, timely, inexpensive, and documented complaints handling and appeals processes.

Inputs

SRTO 2015

Standard 5 - Each learner is properly informed and protected.

- 5.2. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:
- d) the learner's rights, including:
 - i) details of the RTO's complaints and appeals process required by Standard 6;

Standard 6 – Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

- 6.1. The RTO has a complaints policy to manage and respond to allegations involving the conduct of:
- a) the RTO, its trainers, assessors, or other staff;
 - b) a third-party providing services on the RTO's behalf, its trainers, assessors or other staff; or
 - c) a learner of the RTO.
- 6.2. The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third-party providing services on the RTO's behalf.
- 6.3. The RTO's complaints policy and appeals policy:
- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
 - b) are publicly available;
 - c) set out the procedure for making a complaint or requesting an appeal;
 - d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- 6.4. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
- a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - b) regularly updates the complainant or appellant on the progress of the matter.
- 6.5. The RTO:
- a) securely maintains records of all complaints and appeals and their outcomes; and
 - b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

- 6.6. Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

National Code 2018

- 10.1 The registered provider must have and implement a documented internal complaint handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.
- 10.2 The registered provider's internal complaints handling, and appeals process must:
- 10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - 10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
 - 10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
 - 10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
 - 10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
 - 10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - 10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
- 10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
- 10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the overseas student of that action.

Requirement

The RTO must have a policy for dealing with complaints about the organisation, third parties, staff or other learners. They must also have an appeals policy in case there is a request to review or reconsider a decision that has been made.

These policies must be publicly available, for example, by including them on the RTO website or displaying them in common areas for staff and learners.

The RTO's process must follow the principles of natural justice and procedural fairness and the decision maker is to be independent of the decision being reviewed.

The policy should disclose any costs associated with a third-party review so all parties are aware of any costs they may need to pay.

The RTO must deal with complaints and appeals promptly. The timeframes that will apply to resolution of complaints and appeals should be identified, so that complainants know how long it should take to get a response from the RTO at all stages of the process. If a complaint or appeal (including any review process) will take more than 60 days to finalise, the RTO is to write to the people involved explaining the delay.

The RTO is to record all complaints and appeals received, and document outcomes. This information is to be used to review the RTO's processes and practices to ensure the issue doesn't happen again.

The RTO is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Reference Documentation

Other reference documentation which relates to this P&P includes:

- ASQA Publications
 - Policy - Managing complaints about providers

Tools & Templates

This P&P is supported by the Tools & Templates identified at each stage in the process.

Policy

The Complaints and appeals Policy & Procedure will be made publicly available on IIA's website and the assessment of the complaint or appeal will be conducted in a professional, fair, and transparent manner.

Student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings.

Complaints

IIA has a complaints policy to manage and respond to allegations involving the conduct of:

- IIA, its trainers & assessors, or other staff.
- related parties providing services on IIA's behalf, including education agents.
- a learner of IIA.

IIA will deal with any complaints, whether from students, clients, or staff in an effective and timely manner, starting to deal with all complaints within 10 working days of it being made and finalise the outcome as soon as practicable.

Assessment Appeals

A student may appeal against an assessment outcome within 10 working days of receiving notification of their results.

The grounds for an assessment appeal are:

- The judgement as to whether competence has been achieved and demonstrated was made incorrectly.
- The assessment plan is not flexible or fair.
- Judgement was not made in line with the assessment plan.
- The assessment plan does not address the collection of evidence sufficiently.

Resolution

IIA will deal with any complains or student appeals in an effective and timely manner and finalise the outcome as soon as practicable.

- The student or staff member will be given the outcome of each complaint or appeal, and which is also to include a statement of the reasons for the outcome.
- IIA will act upon any substantiated complaints or appeals.

The Administrator is responsible for managing the resolution of the complaints and appeals. If the complaint or appeal has not been resolved using the IIA internal complaints handling and appeals process, the student or staff member will be advised within 10 working days of concluding the internal review.

The student or staff member will be informed of their right to access an external complaint and appeals handling process at minimal or no cost and be provided with the contact details of the appropriate complaints handling and external appeals body.

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student or Staff member, IIA will immediately implement the decision or recommendation and take the preventive or corrective action required by the decision; the student or staff member is to be advised of that action.

Where more than 60 calendar days are required to process and finalise the complaint or appeal, Administrator:

- will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly updates the complainant or appellant on the progress of the matter.

Written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome are to be kept and recorded on the Complaints & Appeals Register. Each complaint or appeal is to be reviewed at the monthly management meetings and, if appropriate, will result in a continuous improvements activity.

Also, IIA is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Procedure

Initial complaint

When a staff member is approached by a student about a complaint, they should in the first instance attempt to resolve the issue themselves.

1. Student has a complaint.
2. Approaches Trainer/ receptionist/ admin staff member with complaint
3. Trainer/ receptionist/ admin staff member resolves complaint internally on an informal basis

Output: Complaint resolved without intervention

Responsibility: Staff Member

Receiving a complaint/ Formal Complaint procedure

If the complaint cannot be resolved, then the complainant is to be referred to Receptionist who will provide them with a copy of the IIA – Complaints Form and if required assist them to complete it. (also available on IIA website)

Similarly, all staff should be aware that the same process is available to them as well, should they have a complaint.

All complaints should be brought to the attention of the Administrator on the day the complaint is made.

The written complaint must be forwarded to Administrator as soon as possible and a response provided in writing, proposing a solution, or stating their current position on the relevant matter.

The written response should also contain information concerning the complainant's right to appeal the decision.

All Appeals outcomes will be communicated to the complainant in a timely manner.

Each complaint and its outcomes will be recorded in writing on the IIA Complaints & Appeals Register.

Procedure:

- I. Student has a complaint.
- II. Student lodges the complaint in writing to Administrator within 5 business days of the incident occurring.
- III. The written complaint will be acknowledged by the IIA in writing, along with an outline of the processes to be followed and an estimated time frame.
- IV. Review of the complaint to begin within 10 working days of the written complaint being received.
- V. The student's enrolment will be maintained during the review process (if there is a threat the student will be deported)
- VI. A written statement detailing the outcome of the complaint review will be given to the student.
- VII. In the event of a favourable outcome for the student, IIA will immediately advise and implement the decision.
- VIII. If student is unhappy with result – student is able to lodge internal appeals process.
- IX. Student able to pursue external appeal at no extra cost to them if they are not satisfied with the outcome of the appeal lodged.

Tools & Templates

- IIA – Complaints Form
- IIA - Complaints & Appeals Register

Output: Written Record of a complaint acknowledged and responded to.

Responsibility: Administrator

The complaint is proven.

If a complaint is upheld, IIA will implement the decision or recommendation and take the preventive or corrective action required by the decision.

The student or member of staff will be advised of any action taken.

Output: The student or member of staff will be advised of any action taken.

Responsibility: Administrator

Complaint not proven.

If the complaint is not proven and the student is not satisfied with the resolution, they can seek further assistance through an appeals process.

The student or member of staff will lodge the appeal by submitting a complaints and appeals form.

Output: Appeal lodged by complaints and appeals form

Responsibility: Administrator

Appeals

Appeals against IIA decisions including, assessment decisions, are to be submitted in writing on the IIA – Complaints Form.

IIA will deal with any student appeals against decisions including, assessment decisions, in an effective and timely manner, typically resolving all appeals within 10 working days.

- Each appeal and its outcomes will be recorded in writing on the Complaints & Appeals Register.
- Each appeal is heard by the RTO manager.
- Each appellant:
 - o Has the opportunity to formally present his or her case
 - o Is given a written statement of the appeals outcomes, including reasons for the decision.

Tools & Templates

- IIA – Complaints Form
- IIA - Complaints & Appeals Register

Output: Written Appeal decision

Responsibility: RTO Manager initially is responsible for managing the resolution of the appeal. Administrator will be able to supply and assist with the appeal form.

The appeal is proven.

If an appeal is proven IIA will implement the decision or recommendation and take the preventive or corrective action required by the decision.

The student or member of staff will be advised of any action taken.

Output: The student or member of staff will be advised of any action taken.

Responsibility: Administrator

Appeal not proven.

If the appeal is not proven and the student is not satisfied with the resolution of the appeal, they can seek further assistance through an external complaint handling and appeals process facilitated by an Independent Adjudicator.

The student or member of staff will be provided with the contact details of the appropriate appeals handling and external appeals body.

<https://www.ombudsman.gov.au/complaints/international-student-complaints>

Output: Advice sought from an Independent Adjudicator

Responsibility: Administrator

Review

All complaints and appeals are reviewed at the regular management meeting and if appropriate will result in a continuous improvements action.

IIA is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Tools & Templates: IIA - Complaints & Appeals Register

Output: Continuous Improvement Action

Responsibility: RTO Manager

Key Performance Indicator:

The effectiveness of this P&P will be measured by the number of appeals and complaint resolved without the intervention of an Independent Adjudicator

Version history

Version	Date	Description of modifications
1.0	January 2024	Initial Draft
2.0	August 2024	Final