

P08 - Student complaints and appeals

1 Purpose

- 1.1 The RTO's complaints and appeals policies and procedures meet the requirements of the *Standards for Registered Training Organisations (RTOs) 2015*.
- 1.2 To be compliant with Standard 6 of the *Standards for Registered Training Organisations (RTOs) 2015*, the school RTO must have a publicly available complaints and appeals policy, such as the one below.

2 Responsibility

- 2.1 The Director of Studies is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

3 Definitions

- 3.1 A Complaint is an informal or formal notification of a grievance relating to one or more services provided by ATMC or behaviour of a member of staff or another student(s). A complaint does **NOT** relate to an academic result given to a student but may relate to the overall process or behaviour attached to that result.
- 3.2 An Appeal is a request to have a decision reviewed. The decision to be reviewed may be as a result of an academic result (e.g. grading), an Administrative Decision (e.g. Letter of Release), or as a result of a formal review of a complaint (based on this policy).
- 3.3 An External Appeal is to a 3rd party engaged to review that ATMC process documented here has been correctly followed and the appellant has been treated fairly in accordance with that policy. An external appeal is not available until the internal processes have been exhausted.

4 Policy statement

The RTO's complaints and appeals policy is specific to the RTO's operations.

The Chief Executive Officer of the RTO is ultimately responsible for ensuring that the RTO complies with the VET Quality Framework (VQF). This includes the complaints and appeals policy and procedures.

- 4.1 A **complaint** can be made to ATMC regarding the conduct of:
 - the ATMC, its trainers, assessors or other ATMC staff
 - a learner of ATMC
 - any third parties providing services on behalf of ATMC (if relevant).
 - Complaints may be made to any member of staff.
- 4.2 An **appeal** can be made to ATMC to request a review of a decision, including assessment decisions. Appeals should be made to the trainer/assessor in the first instance but can also be made to Heads of Department or the Director of Studies

4.3 ATMC'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 ATMC 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.
1. *Any staff member can receive a complaint or appeal. Where possible, complaints are encouraged to be resolved immediately when brought to the attention of an appropriate ATMC staff member.*
 2. All complaints and appeals will be heard and resolved within 60 calendar days of receipt. If ATMC considers that more than 60 calendar days are required to process and finalise the complaint or appeal, the complainant or appellant will be informed of the reasons for the extended timeframe in writing and will be regularly updated on the progress of the matter.
 3. *ATMC will maintain a secure Complaints and Appeals Register, documenting all complaints and appeals received, as well as actions taken, and any decisions made.*
 4. *ATMC will undertake a continuous improvement process that includes reviewing both the details in the Complaints and Appeals Register, and the complaints and appeals policy and procedures, taking appropriate corrective action to eliminate or mitigate the likelihood of the same problems occurring again.*

5 Procedures

5.1. If a complaint relates to a report about harm or safety, refer to ATMC's Incident and or Student Protection policy and procedures.

5.2. On receipt of a verbal complaint:

- Resolve the complaint if possible, documenting the complaint, its cause, actions taken, and decisions made in the secure Complaints and Appeals Register.
- If the complaint cannot be promptly and simply resolved, advise that an appropriate staff member will deal with the complaint, but a written record of the complaint is required.
- If a complainant raises a concern but the complainant is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by ATMC.

Informal complaint Process:

5.3. It is expected that prior to initiating a formal complaint and appeal process, the parties involved will attempt to resolve concerns directly between themselves wherever possible. ATMC management expects that many concerns will be resolved by this process in the first instance.

ATMC management encourages that all parties will participate in good faith in resolving concerns so that the ATMC maintains a respectful learning environment.

Learners are encouraged to raise concerns directly with their trainer in the first instance, particularly where the concerns are adversely affecting the learning environment.

Formal Complaint Process

5.4. Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint, students must complete the Student Complaint and Appeal form SS116 and contact the Student Support department to arrange a meeting. At this meeting, the complaint can be raised, and a resolution attempted.

During the process, ATMC has arrangements in place for a person or body independent of and external to ATMC to hear complaints or refer students to an existing body where that body is appropriate e.g. (Overseas Students Ombudsman for international students and ACPET for domestic students).

5.5. To lodge a formal complaint, advise the complainant that:

- they may use the support of a third party in progressing the complaint, however if the third party levies a charge for their services the RTO will not bear the cost for the services, and has the right to decline using the third parties services and offer alternative arrangements to the complainant/appellant that may be better cost affective
- they can either put the complaint in writing themselves using the SS16 form available or
- the complainant can make a written record for them to sign. In this case
 - note whether the complainant wants the support of a third party
 - ensure the complainant signs and dates the form
 - identify yourself, and your role within the RTO
 - sign and date the form yourself.

The Student Support department will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.

5.6. On receipt of a written complaint:

- if the complaint is not in relation to the Director of Studies
 - forward it to the Operations manager
 - enter it into the secure Complaints and Appeals Register.
- if the complaint is in relation to the Director of Studies
 - forward it to the ATMC Operations manager

- enter it into a separate secure Complaints and Appeals Register, which is kept separate from the main Register.
- send a prompt written acknowledgement to the complainant from either the Director of Studies, ATMC manager or Operations manager responsible and, as appropriate.
- At the stage of the complaint meeting the complaint must be recorded in writing and signed and dated by the complainant and the Student support officer. The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting.

5.7. To resolve the complaint/appeal, the Director of Studies or the Operations manager will:

- discuss the issue/s with the staff member to whom the complaint/appeal was made
- give the complainant/appellant an opportunity to present their case (they may be accompanied by other people as support or as representation)
- give the relevant staff member, third party or student (as applicable) an opportunity to present their case. They also may be accompanied by other people as support or as representation.
- if necessary, convene an independent panel, the Complaints and Appeals Committee, to hear the complaint/appeal.
- The committee must not have had previous involvement with the complaint/appeal, and must include:
 - a representative of the Chief Executive Officer
 - one or more representative/s of the teaching staff
 - an independent person.
- deal with the issue/s
- communicate the outcome/decision to all parties in writing within 60 days of receipt of the complaint/appeal
- document the complaint — including the cause, actions taken, and decisions made in the appropriate secure Complaints and Appeals Register.

5.8. If the complaint is not finalised within 60 calendar days of its receipt, inform the complainant of the reasons in writing and regularly update them on the progress of the matter.

5.9. If the procedures fail to resolve the issue/s, the complainant may have the outcome reviewed (on request) by an appropriate party independent of ATMC.

5.10. If the complainant is still not satisfied, ATMC will refer them to the appropriate regulator or statutory body for further information about making complaints.

5.11. ATMC will undertake a continuous improvement process that includes:

- a. reviewing the details in the Complaints and Appeals Register
- b. reviewing the complaints and appeals policy and procedures
- c. taking appropriate corrective action to eliminate or mitigate the likelihood of the same problems occurring again.

- d. If the processes fail to resolve the complaint or appeal, a review by an independent party will be provided if requested.

Appeals:

- 5.12. Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to Department of Immigration and Border Protection and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by ATMC.
- 5.13. A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 5.14. The appeals process is initiated by a student completing the student appeals form and lodging the completed form with the Student support department.
- 5.15. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 5.16. A maximum time of 30 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 5.17. After a student makes an internal appeal, ATMC will appoint a person or body to hear the appeal or refer student to an appropriate existing body and propose a final resolution.
- 5.18. If the appellant is referred to an external body or mediator, this mediator or body must be independent of, and external to the RTO, must not be the same as any person or body that heard the original complaint.
- 5.19.
- 5.20. Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the RTO. Costs of a reassessment will be met by the RTO.
- 5.21. The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the appellant and the RTO and placed in the student file. A copy of this document will be provided to the student.
- 5.22. Following the internal appeals phase the RTO will immediately implement the decision and convey the appeal decision in writing to the appellant and will undertake any improvement actions arising from the appeal.
- 5.23. If RTO's complaints or appeals process has been exhausted and is completed, the RTO must advise the complainant/appellant of their right to access an external complaints and appeals process at no cost to the student.

External complaint/appeal process

- 5.24. The purpose of the external appeals process is to consider whether ATMC has followed its student complaint and appeals procedure and should only be enacted after exhausting of the internal procedures described above.

- 5.25. If international students wish to lodge an external appeal or complaint about this decision, they can contact the Overseas Students Ombudsman (for International students). The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.
- 5.26. The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students. Complaints might, for example, be about:
- refusing admission to a course
 - fees and refunds
 - course or provider transfers
 - course progress or attendance
 - cancellation of enrolment
 - accommodation or work arranged by a provider
 - incorrect advice given by an education agent.
- 5.27. For Domestic students, they may use ACPET at 126 Wellington Parade, East Melbourne VIC 3002 as an avenue to lodge their external appeal. ACPET can be contacted via phone number 0394125900 or e-mail: acpet@acpet.edu.au
- All students can register a complaint with the National Training Complaints Hotline by phoning 13 38 73 and selecting option 4. Please note that your call will be directed to Skilling Australia which covers many vocational education and training matters.
- Students can also contact the Department of Education through the ESOS online enquiry form or through the ESOS helpline 02 6240 5069.
- 5.28. There is no charge for lodging an appeal.
- 5.29. Following the receipt of the outcome of the external appeal ATMC must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.
- 5.30. If an appeal is against ATMC's decision to report the student for unsatisfactory course progress ATMC must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance for international students) until the external appeals process is completed and has supported, ATMC's decision to report.
- 5.31. For International students, ATMC needs to await the outcome of the appeals process (supporting ATMC) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment.
- 5.32. Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days to leave Australia or show Department of Home Affairs a new Confirmation of Enrolment or provide DIBP with evidence that he or she has accessed an external appeal.

- 5.33. A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where the student has breached their VISA conditions and the matter has been reported to the Department of Home Affairs.
- 5.34. In cases where ATMC is intending to defer or suspend a student's enrolment due to breaching Student Code of Behaviour or to cancel the student's enrolment, ATMC only needs to await the outcome of the internal appeals process (supporting ATMC). For international students, the Department of Education will be notified through PRISMS the change to the student's enrolment. If the appeal is against the provider's decision for the student's unsatisfactory course progress, ATMC maintains the student's enrolment until the student until the external appeal process is complete.
- 5.35. The RTO will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the RTO.
- 5.36. If the outcome of internal or external complaints and appeals process is favorable to the student, the RTO must immediately advise the student of this in writing and implement any decision or corrective and preventive action required.
- 5.37. If there is any matter arising from a student complaint or appeal that is a systemic issue with the RTO's practices which requires improvement action, this will be reported to the RTO's management meeting as part of the continuous improvement process with recommendations on what is to be improved.
- 5.38. If the outcome of internal or external complaints and appeals process support the RTO's intention to report a student for unsatisfactory progress or breach of VISA conditions the Department of Home Affairs will be provided with all the information available. If they decide to consider cancellation, a Notice of Intention to Consider Cancellation (NOICC) will be sent to the student prior to a decision being made to cancel the student visa. The student will have chance to respond to the NOICC and explain their situation.
- 5.39. Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to contact a solicitor; or Contact the Law Institute of Victoria, telephone 9602 5000 for a referral to a solicitor.

Checklist

No.	Description	Documented policy or procedure (Y/N)	Confirmed by RTO (Y/N)	Approved by DoS (Y/N)
1	Policies and procedures ATMC has developed both complaints and appeals policies and procedures sufficiently broad enough to cover the activities of the RTO.			
2	Publicly available These policies and procedures are publicly available to prospective and current students and their parents or guardians.			
3	Student pre-enrolment information ATMC has arranged for the complaints and appeals policies, procedures and students' rights information to be provided either in printed or electronic copy to prospective students and their guardians.			
4	Advice to trainers, assessors, other staff and third party providers ATMC confirms that the complaints and appeals policies and procedures have been made available to all parties providing services on behalf of the RTO.			
5	Natural justice and procedural fairness All policies and procedures have been reviewed to ensure natural justice and procedural fairness.			
6	Procedures to make a complaint or appeal All procedures are transparent to all parties and sufficiently broad to cover the activities of ATMC.			
7	Written acknowledgement Irrespective of how they are received, all complaints and appeals are responded to in writing and as soon as practicable.			
8	Failure to resolve On request, a review by appropriate parties is available to the complainant or appellant.			
9	Resolution exceeds 60 calendar days Written reasons are provided to the complainant or appellant if more than 60 days are required to finalise matters. ATMC regularly provides written updates to the complainant or appellant.			
10	Records maintenance			

No.	Description	Documented policy or procedure (Y/N)	Confirmed by RTO (Y/N)	Approved by DoS (Y/N)
	ATMC ensures that a secure Complaints and Appeals Register with auditable quality records of all complaints and appeals are kept and securely maintained.			
11	Continuous improvement ATMC reviews all complaints and appeals to: <ul style="list-style-type: none"> • identify potential causes • take appropriate corrective action to eliminate or mitigate likelihood of reoccurrence. 			
12	Staff and service provider induction ATMC Manager ensures that all staff and third party providers are familiar with the policies and procedures and agree to cooperate with ATMC.			
13	Student induction ATMC ensures that all students are provided with the opportunity to become familiar with the policies and procedures, their rights and ATMC's responsibilities under the Standards.			
14	Forms and documents ATMC ensures all forms and documents used to manage complaints and appeals are up to date and accurately reflect the current practices of ATMC.			
15	Disclosure ATMC ensures ATMC staff and students are fully informed of legislative and regulatory requirements that affect their duties for participation in this program.			
16	Authorisation The Director of Studies has fully reviewed the complaints and appeals policies and procedures documentation and approve implementation.			

End