

## COMPLAINTS AND APPEALS Policy and Procedures

POLICY	COMPLAINTS AND APPEALS
NVR Ref:	Standard 6
IBI Ref:	IBI-2- C1
Statement	<p>The Institute seeks to continuously provide a high quality education and training environment that is safe, fair and free from discrimination, in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes.</p>
Rationale	<p>An essential part of developing that environment is ensuring that staff and students are encouraged to come forward with their complaints in the knowledge that the responsible staff members will take prompt and effective action to address complaints.</p> <p>Complaints and appeals that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced learning and academic achievement. Unresolved or poorly handled complaints can also lead to legal action against the Institute.</p> <p>The procedures aim to avoid blame and undue investigation. This policy applies to all students undertaking training in courses offered by the Institute as well as Institute staff and clients. All parties have the right to be accompanied and assisted by a support person in every relevant meeting they attend.</p> <p>In handling a complaint, whether formal or informal, confidentiality will be maintained to:</p> <ul style="list-style-type: none"> <li>• Protect all parties involved in a complaint under the principles of natural justice</li> <li>• Prevent the possibility of a defamation or other legal action</li> <li>• Involve the minimum number of people possible</li> </ul>

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	<p>All students, staff are to be informed of the complaint resolution process.</p> <p>Despite all efforts of the Institute to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have complaints resolved and resolutions reached.</p> <p>The Complaints and Appeals process does not remove the right of the appellant to take action under Australia’s Consumer Protection Laws.</p> <p>The objective is to:</p> <ul style="list-style-type: none"> <li>• Develop a procedure for lodging an appeal against a decision made by the Institute’s Management in a complaints dispute</li> <li>• Develop a procedure for lodging an appeal against an assessment result</li> <li>• Assist clients and students with access to an appeal procedure and ensuring that appeal system is accessible and not unduly complex</li> <li>• Allow students access to an independent assessment review by an outside body with appropriate qualifications should the need arise.</li> </ul>
<p><b>Scope</b></p>	<p>The following Procedure applies to all complaints and appeals of staff members and enrolled students. The complaint may be against another student/s and/or staff member/s. In certain circumstances, this Procedure may be used to deal with a complaint against a person who is not an employee or student, but who is involved in a training related activity.</p>

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PROCEDURE	COMPLAINTS AND APPEALS
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IBI Ref :	IBI-2- C1
Action/Method	<p><b>STAGE 1 – Informal Complaint Resolution</b></p> <p>Where possible all non-formal attempts shall be made to resolve the complaint. This may include advice, discussions, and general mediation in relation to the issue and the student’s complaint. Any staff 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.</p> <p><b>STAGE 2 – Formal Complaint Resolution</b></p> <ul style="list-style-type: none"> <li>• All complaints and appeals are submitted to the Administration Manager, who has the responsibility to record the complaint in the first instance in the ‘Complaints &amp; Appeals Register’. Complaints are to include the following information: <ul style="list-style-type: none"> <li>○ Submission date of complaint</li> <li>○ Name of complainant;</li> <li>○ Nature of complaint ;</li> <li>○ Date of the event which lead to the complaint</li> <li>○ Attachments (if applicable);</li> </ul> </li> <li>• The complaint is entered into the ‘Complaints &amp; Appeals Register’ by the Administration Office in the following format, and is monitored and updated by the Administration Manager on a regular basis: <ul style="list-style-type: none"> <li>○ Submission date of complaint</li> <li>○ Name of complainant;</li> <li>○ Description of complaint / appeal</li> <li>○ Determined Resolution; and</li> <li>○ Date of Resolution.</li> </ul> </li> <li>• In the case of a student, once a complaint has been filed and logged in the ‘Complaints &amp; Appeals Register’ the Administration Manager shall notify the CEO of the complaint and provide any further documentation related to the matter</li> <li>• Complainants and/or appellants may be assisted or accompanied by a</li> </ul>

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	<p>support person at all meetings regardless of the nature of the complaint.</p> <ul style="list-style-type: none"> <li>• Acknowledgement of application given by CEO within 5 business days.</li> <li>• CEO will consider the formal complaint within 10 business days by reviewing, clarifying, investigating and discussing the matter with other relevant staff. All documentation to be provided by Student. The student will be given all opportunities to respond.</li> <li>• Once a decision has been reached the CEO shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.</li> <li>• Copies of all documentation, outcomes and further action required will be placed into the 'Complaints &amp; Appeals Register' by the Administration Manager and on the student's file.</li> <li>• In the case of staff and client complaints, the process is managed by the Administration Manager, whose responsibility is to ensure a similar process to student complaints is followed.</li> <li>• Within the notification of the outcome of the formal complaint, complainants and appellants shall also be notified that they have the right of appeal. To appeal a decision the Institute must receive, in writing, grounds of the appeal.</li> </ul> <p><b>STAGE 3 – Appealing a complaints decision</b></p> <ul style="list-style-type: none"> <li>• All students have the right to appeal decisions made by the Institute where reasonable grounds can be established. The areas in which a student may appeal a decision made by the Institute may include:             <ol style="list-style-type: none"> <li>1. Assessments conducted</li> <li>2. Reported breaches of academic performance or attendance requirements</li> <li>3. Deferral, suspension, or cancellation decisions made in relation to the student's enrolment</li> <li>4. Or any other conclusion that is made after a complaint has been dealt with by the Institute in the first instance.</li> </ol> </li> <li>• To activate the appeals process the student is to provide 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 obtained from Student Administration</li> </ul>
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	<p>section.</p> <ul style="list-style-type: none"> <li>• The CEO shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.</li> <li>• The process for all formally lodged internal appeals will begin within 10 working days of the appeal being lodged.</li> <li>• Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed.</li> </ul> <p><b><i>Formalising Appeals</i></b></p> <ul style="list-style-type: none"> <li>• Where a student has appealed a decision or outcome of a formal complaint they are required to notify the Institute in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.</li> <li>• The Appeal shall be lodged through the Student Administration Office and the Administration Manager shall ensure the details of the appeal are added to the ‘Complaints and Appeals Register’.</li> <li>• The CEO 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.</li> <li>• The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.</li> <li>• Appeals lodged by staff and clients will be managed by the Administration Manager in lieu of CEO, in accordance with the above processes.</li> </ul> <p><b><i>Appealing Assessments</i></b></p> <ul style="list-style-type: none"> <li>• Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.</li> <li>• If this is still not to the student’s satisfaction the student shall formally lodge an appeal in writing to the Manager of the Assessment Centre, outlining their reasons for the appeal. The appeal shall be entered into the ‘Complaints and Appeals Register’.</li> <li>• The CEO shall be notified and shall seek details from the assessor</li> </ul>
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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 assessor appointed by the Institute.

- The student shall be notified in writing of the outcome and the 'Complaints and Appeals Register' updated.

### ***Appealing Decisions to Report Breach of Academic or Attendance Requirements***

- Where a student wishes to appeal the decision of the Institute for a breach of academic or attendance requirements the student shall lodge, in writing, a letter outlining the details of their appeal. The student should have extenuating circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- The appeal shall be lodged with the Student Administration Office and the appeal entered into the 'Complaints and Appeals Register'.
- The CEO shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome and the 'Complaints and Appeals Register' updated.
- Where a student has decided to access the appeals process in relation to a reportable breach, the Institute will not report the breach until the appeals process has been undertaken. The Institute is required to maintain all relevant responsibilities until the breach has been resolved.

### ***Appealing Deferrals, Suspension or Cancellation of Enrolment Decisions***

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge an Appeal, outlining the details of their appeal. Students should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.
- The appeal shall be lodged this with Student Administration Section and the appeal shall be entered into the 'Complaints and Appeals

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	<p>Register’.</p> <ul style="list-style-type: none"> <li>• The CEO shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.</li> <li>• The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.</li> <li>• Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, the Institute will not update the student’s status until the appeals process is completed. The Institute is required to maintain all relevant responsibilities until the change in enrolment status has been resolved.</li> </ul> <p><b>STAGE 4 – External Arbitration</b></p> <ul style="list-style-type: none"> <li>• If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, it may require an external independent / third party mediator. Where this is the case, the matter shall be referred to an appropriate person / organisation, e.g. Department of Justice, Consumer Affairs, ACCC).</li> <li>• The decision of this independent mediator is final and any further action the student wishes to take is outside the Institute’s policies and procedures.</li> <li>• Where a decision or outcome is in favour of the student the Institute shall follow the required action to satisfy the student’s complaint as soon as practicable.</li> <li>• Where a decision or outcome is in favour of the Institute, the student may exercise his/her rights to appeal under Australia’s Consumer Protection Laws.</li> </ul>
<b>Attached Documentation</b>	<i>(if applicable)</i>
<b>Related Legislation</b>	
<b>Related Documentation</b>	

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### VERSION CONTROL

#### Review/ amendment history

**Policy Approved by:** Chief Executive Officer

**Responsible Officer:** Chief Executive Officer

**Next Policy Review Date:** July 2018

Version	Date	Details
1.0	July 2014	Policy issued
2.0	Dec 2014	Updated to reflect Standards for Registered Training Organisations (RTOs) 2015
3.0	April 2015	Updated to reflect NVR 2015 Standards
4.0	April 2016	No material changes
5.0	April 2017	No material changes

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