



Policy Number:	ES6001
Policy Name:	Complaints and Appeals
Contact Officer:	Chief Executive Officer
Date Approved:	01.06.2017
Date for review:	01.06.2019
Related Standards:	Standards for Registered Training Organisations (2015), ESOS National Code, Consumer legislation
Version:	2017 V1

(please note that for this policy and procedure the terms student and learner are deemed equivalent)

1. Purpose

This procedure outlines the processes for complaints and disputes resolution together with processes for appeals.

2. Scope

The procedure applies to all complaints, and arising appeals, for trainers, assessors and other ACOT staff and ACOT students irrespective of the basis.

3. Relevant Standard from Standards for Registered Training organisations (2015)

Standard 6 Manage complaints and appeals

ESOS National Code

Standard 8 - Complaints and appeals

Outcome of Standard 6

Clause 6.1

ACOT has a complaints policy to manage and respond to grievances involving the conduct of:

- ACOT, its trainers, assessors or any staff member
- a third party providing services on ACOT's behalf, its trainers, assessors or any staff member or,
- a student of ACOT

Clause 6.2

ACOT has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by ACOT or a third party providing services on ACOT's behalf.

Clause 6.3

ACOT's *complaints policy and appeals policy*:

- ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process, by allowing anyone subject to a decision by ACOT, or anyone who has allegations made against them, to tell their side of the story before a decision is made.
- are publicly available, for example, on the college website or in publications such as handbooks, brochures, or other printable documents for staff and students
- set out the procedure for making a complaint or requesting an appeal
- ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
- provide for review by an appropriate party independent of ACOT 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.
- Encourage students to engage with ACOT staff about any concerns they have can stop minor issues becoming larger.
- Ensure that the decision maker is independent of the decision being reviewed (e.g. an assessor should not consider or decide an appeal against an assessment decision they made).
- If the person making the complaint or appeal is not happy with the outcome, arrange for an independent third party to review the complaint or appeal. Disclose any costs associated with a third-party review in our policy, so all parties are aware of any costs they may need to pay. (Note that ASQA is **not** able to act as the independent third party for reviewing complaints.)

Clause 6.4

In all cases ACOT will attempt to deal with complaints and appeals promptly and will identify the time frame required and communicate this with complainants and appellants. Where ACOT considers more than 60 calendar days are required to process and finalise the complaint or appeal, ACOT:

- informs 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.

Clause 6.5

ACOT:

- securely maintains records of all complaints and appeals and their outcomes, and
- identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Clause 6.6

Refers to an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation must have a complaints and appeals policy which is sufficiently broad to cover the services it provides.

ESOS National Code Standard 8 - Complaints and appeals**Outcome of Standard 8**

Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

8.1 The registered provider must have an appropriate internal complaint handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes if it meets these requirements:

- a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
- b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
- c. each party may be accompanied and assisted by a support person at any relevant meetings
- d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and

- e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

8.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.

8.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.

8.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is on-going.

8.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.

4. Definitions

Complaint- A complaint presented by an individual, or a group, based on the opinion that they are, or have been, receiving treatment that differs from the treatment received by other individuals or groups.

Discrimination - is defined as:

Direct Discrimination - any decision or action which specifically excludes a person or group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic irrelevant to the situation is applied as a barrier.

Indirect Discrimination - attitudes and assumptions which are incorporated into rules, policies and practices, that appear to be neutral or to treat everyone equally, but may in fact disadvantage one group.

Status or Private Life - The Victorian Equal Opportunity Act 1984 stipulates that no person shall experience discrimination on the grounds of that person's status or private life. 'Status' refers to a person's sex, marital status, race, impairment, being a parent, childless or a defacto spouse. 'Private Life' refers to the holding or not holding of any lawful religious or political beliefs and engaging or refusing to engage in any lawful religious or political activities. The Act applies to education and employment.

Complainant - Person who lodges a complaint

Respondent – Person/organisation who it is alleged undertook the behaviour which resulted in the complaint.

5. Compliance Evidence

For a provider to show it is complying with Standard 8, it may need some of the following as evidence:

- a documented complaint handling and appeals policy freely accessible to students;
- full records of all complaints and appeals and their outcomes;
- Records of corrective and preventative action. Corrective action may include restoring a student's academic record after an appeal has resulted in a decision in the student's favour. Preventative action may include introducing a policy that provides more timely feedback to students;
- evidence of an internal appeals handling process and appeals process that satisfies the requirements listed at Standard 8.1;
- evidence that the provider has made the student aware of the provider's obligation to maintain the student's enrolment while the appeal is ongoing;
- a statement of findings in relation to each complaint or appeal that demonstrates the reasons behind the decisions made at each stage of the appeal. Evidence that the statement is issued to the student and

a copy retained on the student's file; and

- advice given to students of the independent bodies available to them. Evidence of where a student has accessed an independent body and the outcome of the appeal.

6. Procedure

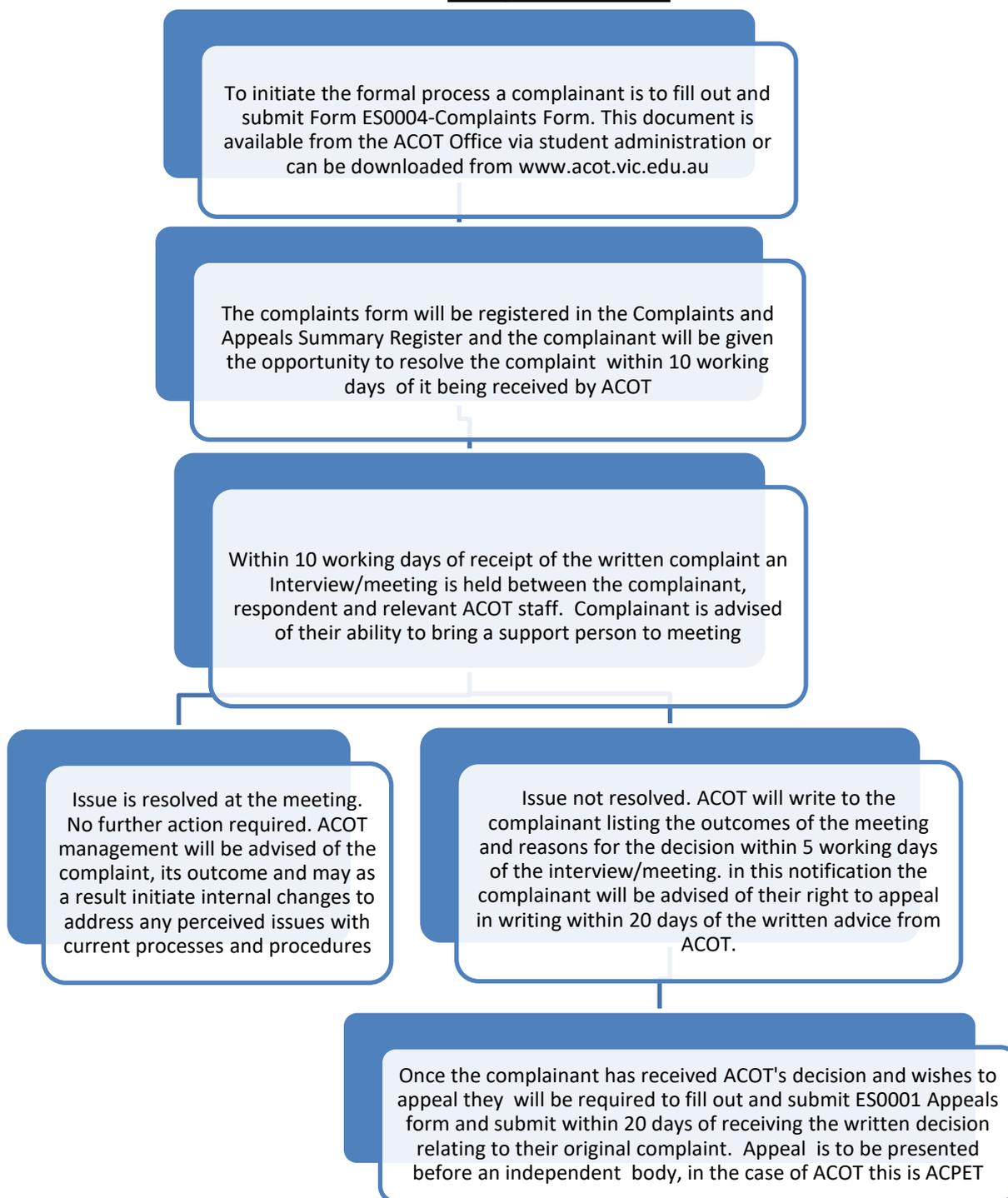
Complaints and Appeals Resolution

Informal resolution of complaints

- Any parties who have a complaint in the first instance are encouraged to approach the respondent with the object of informal resolution. However, it is recognised that this is not always appropriate, e.g. in cases of sexual harassment. If the complaint is not able to be resolved at this stage, the individual with the complaint has the right to consult, in confidence, any one of the following persons or bodies listed below.
 - Director of Studies where the complaint involves a member of staff;
 - The Student Support Officer;
 - The Chief Executive Officer (CEO);
 - A person designated by the CEO on behalf of ACOT as a complaints adviser.
- **This person shall:**
 - Discuss the details of the complaint or problem with the complainant;
 - Discuss the options available for resolution given the nature of the complaint;
 - Help to obtain any necessary information;
 - Assist the complainant in dealing with the problem him/herself if this seems appropriate and acceptable, or
 - If this person does not believe he/she is competent or the most appropriate person to assist the complainant, refer and/or accompany the complainant to another person listed in 6.1.1. or to the Chief Executive Officer if it is considered that the involvement of an external agency/body is warranted.
- Where it has not been possible to resolve the complaint informally with the assistance of the person(s) or bodies listed above, then the complainant(s), together with the person assisting, may seek the advice and assistance of the Student Welfare Counsellor. With the agreement of the complainant(s), the Student Welfare Counsellor may take appropriate steps to resolve the matter informally or, with the agreement of the complainant(s) and the respondent(s), the Student Welfare Counsellor may call together those persons involved in the complaint or who might assist in its resolution with the aim of solving the problem to the satisfaction of the complainant(s)
- It should be stressed that the role of those individuals listed in 6.1.1 and 6.1.3 is to help and provide informal advice on the ways in which the problem might be resolved and not to direct the person in a certain direction or to act on that person's behalf.
- The complaint should be recorded and discussed in the next meeting of the Executive Management Team, which includes the Chief Executive Officer, Business Manager, the Director of Studies and the VET Coordinator. An action plan should be formed to prevent subsequent occurrences where appropriate, as determined by the group.
- 6.1.6 A nominee of the student may be included at any stage of informal resolution processes if the student so chooses with the nominee being appointed by the student.

The procedure for formal resolution of complaints and appeals can be seen in the tables below:

Complaint Process



Appeals Process

Once the complainant has received ACOT's decision and wishes to appeal they will be required to fill out and submit ES0001 Appeals form and submit within 20 days of receiving the written decision relating to their original complaint. Appeal is to be presented before an independent body, in the case of ACOT this is ACPET

Appeal hearing is organised. ACOT will be represented by staff members with knowledge of the complaint and any individual who can contribute information to the hearing. The student will also attend and is advised by ACOT to bring at least one support person with them. ACPET will supply an independent convenor

The hearing is conducted and all information will be presented relating to the complaint and any subsequent matters. This will be considered by the independent convenor

The independent convenor will write to both parties advising of the result within 7 days of the hearing

DECISION IN FAVOUR OF ACOT

Where the appeal is decided in favour of the respondent (ACOT), ACOT will do the following:

1. Communicate in writing with the appellant within 7 days of the written notification from the independent convenor
2. Implement corrective actions which may include reporting a student to relevant authorities
3. Convene an Executive Management meeting to discuss the process and result and to decide on any changes that may be needed to improve ACOT's policies or procedures in the area for which the complaint and appeal has occurred

DECISION IN FAVOUR OF APPELLANT

Where the appeal is decided in favour of the appellant/student, ACOT will do the following:

1. Communicate in writing with the appellant within 7 days of the written notification from the independent convenor
2. Implement corrective actions as advised by the independent convenor. This may include reinstating a student's academic results, refund fees or any action required to resolve the original complaint.
3. Convene an Executive Management meeting to discuss the process and result and implement changes that have been recommended by an external party (in this case the independent convenor) to improve ACOT's policies or procedures in the area for which the complaint and appeal has occurred.

The Student's enrolment **must** be maintained whilst the student is accessing ACOT's Complaints & Appeals process

7. APPENDICES

Nil.

8. RESPONSIBILITY

All staff

9. PROCEDURE OWNER

The owner of this procedure is the Chief Executive Officer