

Student Complaints and Appeals Policy and Procedure

Relevant Standards

SRTO 2015: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6

Linked Documents

Students Complaints and Grievance Form
Student Handbook
Student Code of Conduct

1. Purpose

Purpose of this policy is to ensure that all current and prospective students of PI are given access to free, effective and fair complaints resolution and appeals processes.

2. Scope

This policy applies to all current and prospective students of PI, including students enrolled in online courses.

3. Definitions

Appeal: A request to review an adverse decision or an unfavourable outcome that may have arisen from any administrative, academic or disciplinary processes. An Appeal may be an Internal Appeal or an External Appeal

Internal Appeal: An appeal against a decision where the appeal is brought under PI policies and code of conducts or where there is a process for appeal within PI policies and procedures

External Appeal: An appeal to an external agency against a final decision of the RTO. Agencies may include the Ombudsman, the Privacy Commissioner, the Equal Opportunity and Human Rights Commissions

Final Decision: A decision made by the member of staff authorised by the CEO to make that decision and communicated to the Complainant in writing when all Internal Appeal avenues within RTO's policy, procedures and codes have been exhausted

Complainant: A person lodging a complaint or an appeal

Respondent: A person responding to a complaint or an appeal

4. Legislative Context

The RTO acknowledges its obligation under various federal and state government acts and regulations including the below and any subsequent versions:

The legislative base for this policy is as follows:

- National Vocational Education and Training Regulator Act 2011 (Commonwealth)
- Standards for Registered Training Organisations 2015
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)

5. Policy: Complaints

This policy and procedure ensure that in the event that a student has a complaint concerning any matter in relation to the RTO, there is a process in place to ensure that the complaint can be resolved amicably. Students have access to a complaints procedure if they feel they have been unjustly treated, undermined, vilified or harassed in any circumstances. All the complaints will be treated in full confidence.

5.1 A complaint can be lodged in writing by letter or by email or in person. A student can lodge their complaint with any member of staff but should preferably lodge their initial complaint with the Student Support Officer. The student must lodge their complaint with only one member of staff at the RTO. If the complaint needs to be escalated, the staff member will follow the complaint policy. A written record of the complaint will be kept on the student file.

5.2 The student will have the opportunity to formally present their case at no cost. The student may be accompanied and assisted by a support person to present their case at any relevant meeting, if required.

5.3 The RTO will investigate and respond to all complaints lodged by a student. The process will commence within 10 working days of the formal lodgement of the complaint and supporting information and all reasonable measures will be taken to finalise the process in the shortest possible time. If the nature of the complaint requires immediate action, that staff member receiving the complaint will forward the matter directly to the General Manager. If the complaint received by any RTO staff or contracted staff is directed at the General Manager, then the complaint is to be provided to the CEO without delay.

5.4 The RTO treats all complaints in confidence and will seek the permission of the student before discussing the complaint with any party mentioned or named in the complaint. The student will be given a written statement of the outcome, including details of the reasons for the outcome

5.5 Only the RTO staff authorised by the CEO can respond to a complaint.

5.6 If the process results in a decision that supports the student, the RTO will immediately implement the decision or preventive actions required and advise the student of the outcome.

5.7 Students who are not satisfied with the outcome of their complaint may appeal the decision according to PI's Internal Appeal Process or choose to lodge an External Appeal with an appropriate agency if they wish to do so. If the student chooses to access PI's internal complaints and appeals processes, their enrolment will be maintained while the process is ongoing.

5.8 The RTO will maintain the student's enrolment until the external complaints/appeals process is completed and has supported the RTO's decision to report. The RTO will wait for the outcome of the external process with consideration for student welfare as reporting a student for breaches may have serious consequences for the student's enrolment; it may result in cancellation.

6. Procedure: Complaints

1. Complainant gathers information and arranges to meet the General Manager for advice and information discussion;
2. Online complainant or a complainant not able to physically attend the RTO may choose to communicate electronically or telephonically with the General Manager
3. If not resolved in Step 1, the complainant fills and submits the complaint in writing using the Complaints and Appeals form to the General Manager
4. General Manager confirms the receipt of the complaint in writing to the complainant with three (3) working days of the date of receipt of the complaint and enters the complaint in the Complaints Register

5. General Manager starts the process no later than ten (10) working days from the date of receipt of the complaint and calls upon respective parties for discussions/meetings
6. All the evidences concerning the complaint are collected and reviewed
7. Assistance of Student Welfare officer is sought if student welfare is a concern
8. General Manager discusses the outcomes with the CEO and reaches a decision
9. The complainant is advised of the decision in writing by the General Manager
10. If the decision is not accepted, an internal or external mediator is appointed with mutual consent
11. If the mediation fails, external compliant options are advised and exercised
12. All the documents and noted are forwarded to Student Support Administrative Officer for filing
13. General Manager updates the Complaints and Appeals Register with the outcome

7. Policy: Appeals

PI is committed to providing fair, safe and productive study environment to all students. Consideration of appeals will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with PI's policies and quality principles.

7.1 PI will appoint an Appeals Committee comprising of at least three of the following senior staff members;

CEO

General Manager

Staff Representative

An independent person with VET experience.

7.2 All the appeals will be heard by the committee on a designated date. Minutes of the meeting will be taken and filed.

7.3 Student enrolment will be maintained while the appeals process is ongoing

7.4 Students will be advised of their right to access an External Appeal process with appropriate agencies if they are not satisfied with PI's internal Complaints and Appeals processes of conduct of such processes.

8. Procedure: Appeals

1. The complainant arranges a meeting with the General Manager and discusses appeals options
2. Online complainant or a complainant not able to physically attend the RTO may choose to communicate electronically or telephonically with the General Manager
3. The complainant fills and submits the appeal in writing using the Complaints and Grievance form to the Student Support Officer (Note: The form can also be lodged with the General Manager directly if the Student Support Officer is not available)
4. Student Support Officer enters the appeal in the Complaints and Appeals Register and forwards it to the General Manager for action
5. General Manager confirms the receipt of the complaint in writing to the complainant with three (3) working days of the date of receipt of the complaint
6. General Manager notifies the Complaints and Appeals Committee and provides copies of the documents
7. Complaints and Appeals Committee convenes no later than ten (10) days from the date of receipt of the appeal
8. Case background and grounds for appeal are reviewed and discussed by the Complaints and Appeals Committee
9. Complaints and Appeals Committee reaches a Final Decision
10. The Final Decision is conveyed to the complainant in writing
11. If the decisions is not accepted by the student, external compliant options are advised and exercised

9. External Complaints and Appeals

There is an external complaint/appeal process available to students if they have exhausted the above RTO/internal complaint and appeal procedures and still feel unsatisfied.

Students may contact Australian Skills Quality Authority (ASQA). Students can submit a complaint to ASQA by completing the 'Complaint about a training organisation operating under ASQA's jurisdiction' form <http://www.asqa.gov.au/forms.html#complaints>.

Alternatively, students may choose to contact the Department of Education and Training;
Department of Education and Training
GPO Box 9880
Canberra ACT 2601

<http://education.gov.au/contact-department>

Students may also seek legal redress through the usual court processes if they feel unsatisfied. They may also approach other agencies relevant to their specific situation;

- The Ombudsman
- The Privacy Commissioner
- The Equal Opportunity and Human Rights Commissions
- Department of Education and Training

If the problem resolution fits within equal opportunity guidelines, it will be managed under RTO's relevant policies and procedures. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to act under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

10. Natural justice

The principle of Natural Justice underpins the duty to act fairly includes two rules: the fair dealing rule and the no bias rule. This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student's stay in Australia. In order to expedite the process, students shall also have regard for this and not unduly interfere with the mediation agent or the procedure. Should interference by the student affect the normal process of events, the RTO shall not be held responsible for the consequences.

11. Responsibility

The Student Support Officer is responsible for maintaining the Complaints and Appeals Register. The General Manager is responsible for effective implementation and management of this policy and procedure.

The CEO has overall responsibility for the implementation and review of this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: ceo@peopleimprovers.com

Student Complaint and Grievance Form

Relevant Standards SRTO 2015: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6	Linked Documents Student Complaints and Appeals Policy and Procedure Anti-discrimination and Bullying Policy Access and Equity Policy Student Handbook Staff Handbook
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This form should **ONLY** be used to lodge an official complaint about a matter which the student has found to be offensive, discriminatory or derogatory in any aspect of their student life at PI. For reporting general concerns – and not a specific complaint – please email or phone, your Instructor, the General Manager or CEO as appropriate

Student Name	
Course/Group	

Reason for or Nature of Complaint	
Your Complaint Details <i>(Please provide as much details as possible)</i> Note: Attach any supporting documents with this form as applicable.	
Student Declaration and Signature	<i>All the information I have provided in this form is true and accurate. I also understand that this complaint will be dealt with according to PI's relevant complaint handling policies and procedures.</i>
	Date:

ADMIN use only

Matter Referred to	<input type="checkbox"/> CEO	
	<input type="checkbox"/> General Manager	
Comments of the Person Receiving the Form and Suggested Action		
Signature		Date: