



**AUSTRALIAN VOCATIONAL
TRAINING ACADEMY**
RTO 45879 | CRICOS 04034B

Complaints and Appeals Policy and Procedure

Version 1.0



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1. Purpose

The purpose of this policy and procedure is to ensure that the college has an appropriate system to resolve the complaints and appeals of students fairly, efficiently, and effectively in a professional manner in accordance with the RTO Standards and National Code.

2. Scope

2.1	This policy and procedure applies to all the stakeholders of the college in handling and managing all accusations relating to the behaviour of: <ul style="list-style-type: none"> - all currently enrolled students at the college who lodge an informal complaint or a formal complaint - assessors, trainers, or other staff of the college that are related to the complaints and appeals procedure - any third-party offering the service to the student on behalf of the college (i.e., education agents)
2.2	This policy and procedure applies to the complaints and appeals which happen between the parties, such as student-to-agent, student-to-student, and student-to-staff. This also applies to the complaints and appeals cases relating to the college's service and/or procedure.
2.3	This policy and procedure applies to the trained staff of the college in handling and organising the student's complaints and appeals and ensures that the procedures are followed by the college's staff.
2.4	The authority that may arise under other policies or other laws is not subject to modification or replacement under this policy. The student's capacity to file a lawsuit under Australia's Consumer Protection Law is not restricted by the existence of this complaints and appeals policy and procedure. This policy does not limit the student's ability to seek redress through other legal channels.

3. Responsibility

3.1	The college is required to: <ul style="list-style-type: none"> • manage the implementation of the complaints and appeals policy and procedure effectively. • commence an investigation of the complaint and appeal in accordance with this policy within 14 working days of receiving the complaint and appeal request, and also, make sure that the procedure is operated in an effective and equitable manner within a reasonable timeframe (however, the procedure may take longer overall in some complaint and appeal cases if the issue is very complex). • the college must take prompt preventive or corrective measures and advise students to take further appropriate actions if the complaints and appeals procedure manages the ultimate outcomes of a decision or recommendation in the student's favour.
3.2	The college has the responsibility to make sure that the staff, students, and other relevant parties can access the college's complaints and appeals policy and procedure. This may comprise, but is not limited to: <ul style="list-style-type: none"> • making sure the policy is available for students • providing the students, a copy of the student handbook or manual along with the complaints and appeals policy and procedure • updating the complaints and appeals policy and procedure

4. Principles

4.1	<p>The college shall uphold and dedicate itself to the following principles:</p> <ul style="list-style-type: none"> • manage the student's request for a review of the former decision • ensure that the policy and procedure for complaints and appeals are acknowledged, investigated, and completed as soon as possible in writing. • make sure that either the complainant or the appellant is advised in writing in the event that after 60 calendar days, the outcomes of complaints and appeal are not available. The college will provide a justifiable reason for the delay in the progress of updating. • keep records of complaints and appeals cases in a secure location. In addition, identify any potential causes of the case and take appropriate action to prevent a reoccurrence of the circumstances.
4.2	<p>The college is dedicated to upholding and putting the principles of natural justice and procedural fairness into practice at each stage of the complaints and appeals procedure. Additionally, the college will conduct the assessment of the complaints and appeals in a professional, fair, transparent, and equitable manner. In relation to this, the college aims to:</p> <ul style="list-style-type: none"> • establish a culture that has a positive perspective on complaints and appeals, and views it as an opportunity for the college to improve • learn to develop in the complaints and appeals case for identifying the potential cause of each case to prevent future recurrences • make sure that all appeals and complaints are handled effectively, fairly, sympathetically, and confidentially • make sure that both the complainant and the respondent are treated with respect and that neither is subjected to any form of victimisation or discrimination.
4.3	<p>The student must continue to study as usual while the complaints and appeals procedure is underway, with the possible exception of situations in which the student's health or safety is in danger or in which they may act in a potentially dangerous manner around other students and/or college personnel.</p>

5. Informal Complaint Procedure

Step 1: Lodging an Informal Complaint

5.1	<p>In the first instance, students who would like to lodge a formal complaint must first make an informal complaint directly to the college staff based on the complaint nature. For example, if the student would like to complaint about their assessment outcomes, they should contact their trainers directly to discuss their outcomes. The staff at the college is available to help the students resolve their issues informally.</p>
5.2	<p>The students may use the formal complaint procedure in Section 6 when a complaint and appeal case is very complicated or involves a more serious issue that could require significant attention. The college staff is still on hand to help the students resolve their issues informally or to help them submit their cases for further consideration in the formal complaint and appeal procedure.</p>
5.3	<p>The college's actions, services, and decisions may be the subject of complaint and appeal, including:</p>



	<ul style="list-style-type: none"> the selection of the student processes the orientation or enrolment processes the training and assessment processes academic attendance, training assessment, course progress, and course extension duration access to the maintained records decisions making from the college the way of someone is treated other college's related processes 												
5.4	<p>The following are all informal channels for discussion:</p> <ul style="list-style-type: none"> The student must contact the compliance officer directly if the complaints or appeals concern the student's course. The student must contact the compliance officer immediately regarding any complaints or appeals related to the Trainer. If the students have a complaint or appeal involving another student in their course, they must contact those students directly or contact their trainer. The student must contact the Administrative Support Officer directly regarding complaints and appeals associated with personal or welfare issues, including but not limited to accommodations and academic progress. The student contact directly to the HR Coordinator in cases of complaints and appeals involving the Administrative Support Officer. A student's guide for a person to contact regarding the informal complaints procedure is provided in the table below. <table border="1"> <thead> <tr> <th>Issue/Complaint Type</th> <th>Responsible Contact Party</th> </tr> </thead> <tbody> <tr> <td>Course detail / policy and procedure</td> <td>Compliance Officer</td> </tr> <tr> <td>Academic matter</td> <td>Trainer</td> </tr> <tr> <td>Another student</td> <td>Trainer and/or Administrative Support Officer</td> </tr> <tr> <td>Personal or welfare matters</td> <td>Administrative Support Officer</td> </tr> <tr> <td>Student Support</td> <td>Student Support Manager</td> </tr> </tbody> </table>	Issue/Complaint Type	Responsible Contact Party	Course detail / policy and procedure	Compliance Officer	Academic matter	Trainer	Another student	Trainer and/or Administrative Support Officer	Personal or welfare matters	Administrative Support Officer	Student Support	Student Support Manager
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Course detail / policy and procedure	Compliance Officer												
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Step 2: Resolution or Escalation of an Informal Complaint

5.5	<p>Direct</p> <ul style="list-style-type: none"> The complainant may communicate with the relevant parties directly about their complaints and appeals within 5 days of the incident's occurrence, or they contact the appropriate individuals directly. The appropriate individuals will conduct the complaints and appeals investigation, determine the most suitable action to operate, and resolve the complaints and appeals. Records will be retained for both written and verbal evidence (if applicable). No additional inquiry is necessary if the complaints and appeals are resolved. The complainant may adhere to the Formal Complaint Procedure in section 6 if the complaints and appeals require more investigation or cannot be handled through the informal complaint procedures.
5.6	<p>Indirect</p> <ul style="list-style-type: none"> The complainant contacts the relevant parties by an indirect medium, such as a letter or email, within 5 days after the incident's occurrence. Within 10 working



	days, the relevant parties will address the complaints and appeals issue using the same contact medium as the complainant. No more investigation is needed if the complaints and appeals can be resolved through informal complaint procedures and the complainant is satisfied with the outcome. The complainant may also follow the Formal Complaints Procedure in Section 7 if the complaints and appeals require additional investigation or cannot be handled through the informal complaints procedures.
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6. Formal Complaint Procedure

Step 1: Lodging of Formal Complaint

6.1	<p>In the case that the students cannot resolve where the complaints and appeals through the informal procedure in collaboration with Section 5 of this policy, the student can lodge a formal complaint as follows:</p> <ul style="list-style-type: none">- The student must submit a written complaint by filling out the Student Complaint and Appeal Form- The details information in the below section should be stated explicitly while presenting and addressing the complaint on the Student Complaint and Appeal Form.
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Step 2: Investigation and Handling of Formal Complaint

6.2	<p>The compliance officer will issue a written notice to the student within 10 working days of receiving the formal complaint. They will also contact the student to discuss the potential schedules for the meeting to conclude the complaint and appeals case and/or the suggested course of action that the college should take in response to the complaint. That action may include, but is not limited to:</p> <ul style="list-style-type: none">- the issue(s) complained about;- the parties in concern and any support person whom the student require to include during discussions and the investigative procedure- the students take part in the informal procedure to resolve the issue in accordance with Section 5 of this policy, providing evidence that they contacted the relevant parties- outcome(s) sought as a result of the former complaint investigation
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Step 3: Arranging a Meeting with the Student

6.3	<p>The college may arrange an appeal meeting between the student, the relevant parties, and the compliance officer to discuss the complaints and appeals details of the investigation in order to finalise the satisfied and consistent appeal outcome for all parties. This is done to ensure that all issues and relevant parties have been fully taken into account when finalising the outcome of the final decision regarding a complaints and appeals issue.</p>
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Step 4: Decision

6.4	<p>The compliance officer is in charge of providing a written appeal decision through the student email, a formal complaint and appeal of the appeal outcome, and a thorough justification of the decision.</p>
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6.5	To allow all relevant parties to have access to the record whenever they require, an email record of the complaints and appeals decision that is given to the student will be retained on the student system.
6.6	The complainant may need to follow the "Internal Appeal" procedure described in Section 8 if they are still not satisfied with the formal complaints and appeals decision.
6.7	The management team will analyze the complaints and appeals cases to determine the potential causal factors so that the investigation can be improved and to lessen the chance that a similar issue will arise in the future.

7. Internal Appeals Procedure

7.1	<p>Student internal complaint and appeal cases will be considered based on the following circumstances:</p> <ul style="list-style-type: none">- the new relevant evidence regarding the complaints and appeals issue occurs- the formal complaint's final decision was made without taking the relevant facts and/or evidence into account- during the former investigation process, there was bias, prejudice, or a conflict of interest occurred- the case requirement is not well covered by policy and procedure, and/or they have not been appropriately linked with the case
7.2	<p>Students may not appeal against academic results based on:</p> <ul style="list-style-type: none">- the financial difficulty resulting in withholding academic results- grades received by other students- require additional marks to enable a pass
7.3	<p>In applying for the appeal, the student has to:</p> <ul style="list-style-type: none">- lodge on the student complaint and appeal form- prepare a copy of the final decision made in the formal complaint procedure- the reason for the final decision of the formal complaints; and- the evidence of resolved action for the complaints

Step 1: Lodging an Internal Appeal

7.4	If the student's formal complaints cannot be resolved or reached to the student's satisfaction after the formal complaints procedure in Section 6, the student can lodge an internal appeal to compete for the decision, with no cost, within 14 working days of the formal complaint decision. The students have to complete the student complaint and appeal form to lodge an internal appeal.
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Step 2: Review of Internal Appeal

7.5	The compliance officer is responsible for reviewing the internal appeal request after the student lodges their internal appeal application, which all relevant information and evidence will take into the processes on the internal appeal.
7.6	Once the internal appeal application is lodged, the compliance officer will respond to the student in writing within 10 working days of receiving the application to inform them of the potential duration of time for the investigation of their case and inform them of the date on which the appeal's decision will be issued.
7.7	<p>Reviewing the academic records, attendance, and/or other assessment, including any other evidence relating to the case.</p> <ul style="list-style-type: none"> - conducting informal enquiries - conducting a formal investigation - resolving the issue complaints of - requesting the additional document and/or evidence from the student - rejecting to take more action regarding the complaints and appeals issue - inviting the student to attend an appeal meeting for discussion in their case, in which the student will be given the opportunity to present their evidence; or - rejecting the complaints and appeals case as unreliable, hypocritical, and unsubstantiated, in which no further investigation will be taken regarding the complaints and appeals case.
7.8	Within 10 working days following the compliance officer's final decision, the student will receive a written explanation of the outcome of the appeal. However, the case may be extended for a longer period of time-based on the complication of the case.
7.9	The compliance officer will be responsible for conducting the outcome/offered plan that will be conducted immediately or as soon as possible if the internal appeal is successful.
7.10	If the internal appeal is unsuccessful, the compliance officer is required to provide the student with all the details on the outcome of their internal appeal. The compliance officer will provide the appeal outcome in writing.

8. Feedback

The stakeholders, such as the students and college staff, can provide feedback regarding complaints and appeals to the CEO and the compliance officer for continuous improvement.



Glossary

Terms	Definitions
Appellant	A person who appeals to a higher authority with a purpose for the decision of the lower authority to be changed.
Appeal	A formal in-writing request from a student with an intention to change a former final decision that relates to the student's request. This is the sort of formal complaint for internal forms where the student competes with the authority's decision, penalty, or outcome. This sort of decision may include but is not limited to unsatisfactory course progression, student misconduct, breaching the academic rules, non-payment of fees, refund, or cancellation of enrolment.
Complaint/Grievance	A cause of student's dissatisfaction who is dissatisfied by an action and/or decision made by the authority but is not limited to misconduct from other students or academic staff that is unfair or inequitable causes the student's dissatisfaction or harmfulness.
Complainant	A student who lodges a complaint and appeal.
Compliance Officer	A person or persons who were assigned by the college to authorize, assist and manage the process of complaints and appeals.
Internal Appeal	Where the appeal procedure of the student is lodged, occurred, and reviewed by the college.
Principles of natural justice	<p>The principle of natural justice, which is the foundation of good governance in which supposed to uplift all the compliance decisions made by the college.</p> <p>Natural justice is a creed that uplifts the quality of fairness to protect anyone who is affected by the dictatorial exercise of power. It is particularly related to the decision that affects to person's right clearly, especially when coping with complaints and appeals.</p> <p>There are two foundation rules for natural justice:</p> <ul style="list-style-type: none">- all relevant parties of the controversy should be treated with fairness, given an equal chance to be heard and to explain before the decision is made by the authority- the decision maker must not have a pre-decision on the circumstance or be perceived as having a pre-decision on the circumstance
Procedural Fairness	<p>Procedural fairness is related to the procedure processed by an authority rather than the outcome reached. The procedure needs fair and suitable for decision-making.</p> <p>The rules of procedural fairness require:</p> <ul style="list-style-type: none">- a suitable hearing to the circumstances;- deficiency of bias;- reliable evidence for decision support; and- enquiry on the controversial matter
The college	Australian Vocational Training Academy (AVTA)
Respondent	A person responding to a complaint or appeal
RTO Standards	Standards for Registered Training Organisations (RTOs) 2015



Support Person	<p>A student's family member, relatives, friend, guardian, or counsellor who can provide support to a student. Please note that any kind of student's agent, lawyer, or commercial interest-related person is not perceived as a student support person as they are perceived to have a conflict of interest.</p> <p>the college is not obliged to respond in any kind of communication (email, phone, etc.) to any persons that are perceived as a conflict-of-interest person such as lawyers, agents, or similar seeking personal information.</p>
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