

Complaints and Appeals Policy

Policy number	GENPO50	Version	1.1
Drafted by	Sally Wynd	Approved by Board on	16/11/2021
Responsible person	Service Manager	Scheduled review date	16/11/2022

Purpose

This policy provides guidelines to students and other stakeholders to the procedures to be followed to ensure fair and equitable outcomes when issues are raised. It sets out the appropriate channels to facilitate a prompt, equitable and confidential resolution and is available freely to all students and other stakeholders.

It was also developed to ensure that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

Scope

- All campuses and courses;
- All students;
- All prospective students;
- All former students (up to 12 months after enrolment has ceased or later if in relation to a records matter);
- All trainer/assessors and contract trainer/assessors;
- Members of the public with a grievance related to operations at the organisation.

Policy

Eagles RAPS Inc. is committed to providing fair, equitable, transparent and quality services and recognises the importance of effective communication in resolving any concerns. This policy is fundamental to the resolution of grievances and reconciliation of claimants with Eagles RAPS Inc.

Eagles RAPS Inc. believe it is important that they are made aware of all grievances from members of the organisation and its community. We aim to respond to grievances and appeals in a fair, timely and equitable manner to the satisfaction of all parties.

This policy will be published on our website for the information of students, clients, trainers and assessors, staff and the general community.

Record Keeping and Confidentiality

Records of grievances and appeals will be kept confidential and will not be filed in student, client or staff files. All correspondence in regard to appeals and grievances will be maintained in a secure file held by the Service Manager and will be kept for five years after the claimant's final dealings with the organisation or any external party (whichever is the latter). Informal grievance records will be destroyed when mutual resolution is reached.

Confidentiality is maintained at all times, and applications for review of the file will only be granted to the parties involved in the grievance and will be done under the supervision of the Service Manager.

Academic and Non-Academic Matters

Academic matters refer to students of the RTO and include matters such as:

- Course progression;
- Course completion;
- Assessment;
- Teaching and learning resources;
- Quality of course delivery;
- Competency in a course;
- Trainers and assessors.

Non-academic matters do not include matters related to students, course, trainers or assessors. It may include grievances from clients, family members, other services or the general public. It also extends to grievances about breaches of personal information or fees. Non-academic matters include but are not limited to:

- Operational matters;
- Administrative matters;
- Discrimination;
- Harassment.

Assurances

During all stages of the grievance process, Eagles RAPS Inc. will ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of the grievance.

An explanation in writing will be provided to the Claimant and/or Respondent at any time during the process if they are required.

Confidentiality will be maintained at all times, and only those who are involved in the grievance will be given any information at all.

Negotiated solutions will aim to be acceptable to all parties, and will address key issues without allocating blame, victimisation or discrimination.

This policy does not replace or modify policies or any other responsibilities that may arise under other policies, or under statute or natural justice. Neither this Policy nor the availability of grievance and appeals processes remove the right of the claimant to take action under Australia's consumer protection laws or the right to pursue other legal courses of action.

Feedback

Feedback from students, clients and members of the public about operational matters or courses is encouraged and is not normally considered a grievance unless specific action is requested in the form of a concern raised.

In some cases, students, clients and members of the public may feel they have been treated unfairly or unreasonably causing disadvantage and/or distress and they may wish to follow a more formal process. In this instance, the feedback form will be considered Step 1. In the grievance process known as Informal Resolution Process.

If the grievance is not resolved in the Informal Resolution Process the claimant may wish to initiate a Formal Grievance Process.

Prospective and Former Students

This Policy and related policies/procedures also cover prospective students who may have a grievance with the enrolment process, or students who have ceased their enrolment. Issues from prospective students can be considered up to six months from the time of the issue arising. Issues from former students can be considered under this Policy for a period of up to 12 months after their enrolment ceased. The grievance must not be a previous grievance which was considered to be resolved. A previous grievance cannot be re-instigated after the student's enrolment has ceased.

Alternatively, the student could make a complaint to the Australian Skills Quality Authority (ASQA) by visiting <https://www.asqa.gov.au/complaints/complaints-about-training-providers>. The information contained in student complaints is recorded and contributes to making a determination whether further regulatory scrutiny of providers is required. ASQA assesses the information that it holds in relation to the conduct and compliance of providers, to determine if further regulatory scrutiny is warranted. If further regulatory scrutiny is required, ASQA's established performance assessment (audit) procedures apply.

ASQA will (unless exceptional circumstances exist) notify the provider concerned, to advise that it has been named as the subject of a complaint, and may suggest that providers take action to ensure that they remain compliant with their regulatory obligations.

Non-Financial Decisions

On receipt of a written request from a Claimant for an Independent External Review of the decision made at Stage 3, the President must contact an external reviewer. The Claimant has to approve the external reviewer prior to commencing the process.

The Independent External Reviewer/s will be provided with copies of the request and other documentation relating to the grievance. The reviewer will be an appropriately qualified person available to carry out this role and will be approved by both the Claimant and Eagles RAPS Inc. All information provided to the external reviewer will be treated as confidential. Within 30 working days of receipt of the grievance, the external reviewer will provide to Eagles RAPS Inc. the written outcome of the review, together with any recommendations.

The President will ensure that any recommendations are implemented within 20 days of receiving the written outcomes and will give the Claimant comprehensive written advice on the outcomes and file all records in confidential storage.

If the Claimant is not satisfied with the external reviewer they have the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline, by phoning 13 38 73, Monday to Friday 8 am to 6 pm or by emailing skilling@education.gov.au

Decisions with financial implications

At the time of the original decision and at the time of the subsequent review decision, the student will be advised of their review rights and responsibilities. The relevant officer will inform a student in writing of their right of appeal to the Administrative Appeals Tribunal and contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT. The AAT is open Monday – Friday 8.30 am – 5.00 pm and can be contacted on 1800 228 333, or check other methods of contact on their website:

<http://www.aat.gov.au/contact-us>

For information on fees that may apply see:

<http://www.aat.gov.au/applying-for-a-review/fees>

For the application process please see:

www.aat.gov.au

Continuous Improvement

Any improvement action arising from a student grievance or appeal will be recorded in accordance with Eagles RAPS Inc.'s Continuous Improvement Process.

AUTHORISATION

SIGNED: Marten Wynd, President/Public Officer



DATE: 27 March 2018

Procedures number	GENPR50	Version	2.1
Drafted by	Sally Wynd	Approved by Board on	28/3/2018
Responsible person	Service Manager	Scheduled review date	28/3/2019

Responsibilities

- The **President** of Eagles RAPS Inc. has ultimate responsibility for ensuring that this policy is implemented and adhered to.
- The service manager is responsible for training all staff, trainers and assessors in the application of this procedure.
- Staff are responsible for directing students, clients and other stakeholders to this policy if they have a grievance.
- The Service Manager is responsible for reviewing this policy at least every 12 months.

Purpose

This procedure identifies the processes in place at Eagles RAPS Inc. to effectively manage complaints. Students, clients and stakeholders are entitled to access these Policies and Procedures and they should be informed of where to locate them during induction.

Procedures

The following process explains the four key stages that may be necessary to deal with a grievance. The Claimants right to privacy is assured and neither Claimants nor Respondents will be disadvantaged, victimized or discriminated against whilst the process is in action.

The Claimant has the right to be heard at any stage through the process and is entitled to be accompanied by a support person of their choice when holding discussions with Eagles RAPS Inc.

The Claimant has the right to access records involving the complaint and can gain such by requesting any records in writing to the Service Manager or Management Committee. All information in regard to the complaint will be treated as confidential and only shared with those involved in the grievance. Records will be stored confidentially away from student records and will be kept for 5 years.

The procedure and associated policy is published on our website: www.eaglesraps.org. The Service Manager is responsible for training of academic and support staff in the application of the Policy and Procedure.

Stages of Grievance Implementation

The following steps identify the stages through which a grievance may be processed.

The Claimant has the right to be heard on the matter of the grievance at any stage and may be accompanied by their nominated support person or third party when meeting with Eagles RAPS Inc. to discuss their particular concern. Grievances will be resolved as soon as possible, including the legislative requirement of commencing processes within 10 working days. There will be no cost to the Claimant and the process will be finalised as soon as practicable. If Eagles RAPS Inc. feels that

the process may require more than 60 days, then the Claimant will be notified in writing as to the reasons behind this decision.

Stage 1 – Informal Resolution Process

Eagles Education and Training (EET) staff should attempt to resolve the grievance informally and amicably at an early stage. This can be done through speaking directly with the Claimant with the grievance and any other relevant individuals where relevant and consistent with confidentiality protocols. If, during discussion, the issue cannot be resolved, then the Claimant must move onto Stage 2.

Stage 2 – Formal Resolution Process

If Stage 1 fails to resolve the grievance informally, the formal grievance procedure begins when the student or parent/guardian thereof states in writing, on the Complaints and Appeals form that they have a grievance and submit the completed form directly to the Service Manager.

Stage 3 – Appealing the Original Decision

If the claimant is dissatisfied with the outcome of the grievance, they may lodge an appeal with the Service Manager within 20 working days of being informed of the decision. The appeal MUST detail the reasons for the appeal. The Service Manager and the Eagles Management committee are responsible for reviewing appeals relating to formal grievances.

Stage 4 – External Independent Review

Claimants who wish to lodge an external appeal or complaint against the outcome of the internal appeal process may consider an Independent External Review of the decision. To proceed to Stage 4, the Claimant is required to respond within 10 days of receipt of the final decision to the President of the Management Committee. The President will notify the Claimant of their right to appeal and provide details regarding access to an external reviewer. The application must be lodged within 28 days of receiving the decision from the Internal Appeal Review.

The request for Independent External Review must be in English and must present substantial reasons for an External Review and must include all documents relevant to the case. The written request must present new or additional information to support their case or to substantiate their argument as to why the original decision or previous appeal did not comply with policies, rules or procedures.

An external Independent Review Committee must then be convened by the organisation. The Claimant has the right to appeal decisions involving financial implications to the Administrative Appeals Tribunal if they are not satisfied with the outcome.

If the complaint is regarding a Smart and Skilled subsidised course, a Claimant can also contact the Smart and Skilled customer support centre to seek assistance, ask for advice, make a complaint or provide feedback. You can do this by [email](#), over the phone on 13 28 11, or in person at a [Training Services NSW centre](#).

The Smart and Skilled customer support centre can provide:

- information and advice on your rights

- support with your complaint or dispute, including:
 - a process for progressing any unresolved complaint
 - referrals to other agencies that can help with specific complaints within their scope
 - a mediation service to help you resolve your complaint with the training provider.

Alternatively, the student could make a complaint to the Australian Skills Quality Authority (ASQA) by visiting <https://www.asqa.gov.au/complaints/complaints-about-training-providers>. The information contained in student complaints is recorded and contributes to making a determination whether further regulatory scrutiny of providers is required. ASQA assesses the information that it holds in relation to the conduct and compliance of providers, to determine if further regulatory scrutiny is warranted. If further regulatory scrutiny is required, ASQA's established performance assessment (audit) procedures apply.

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The President will ensure that any recommendations are implemented within 20 days of receiving the written outcomes and will give the Claimant comprehensive written advice on the outcomes and file all records in confidential storage.

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Composition of the Complaints and Decision Review Committee

Membership of the Complaints and Decision Review Committee will normally be 4-5 people and can include:

- A chairperson who must be an external member of the Eagles RAPS Inc. Education Program;
- A member of the Executive Committee;
- A staff member not involved in the grievance;
- A student representative;
- A member of the Community;
- A minute secretary.

On inviting members to sit on this committee, the President will consider the nature of the complaint and select members of the Committee appropriately.

Within 20 working days, the recommendations arising out of the review should be implemented and the Claimant should be given comprehensive written advice about the outcome. All records will be filed in confidential storage and will be retained for 5 years.

Eagles RAPS Inc. agrees to be bound by the independent external review's recommendations.

If the Claimant is not satisfied with the external reviewer they have the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline, by phoning 13 38 73, Monday to Friday 8 am to 6 pm or by emailing skilling@education.gov.au

Related Documents

- Student Code of Conduct
- *Standards for Registered Training Organisations (RTOs) 2015*
- Assessment Policy
- Privacy Policy
- Formal Grievance Form
- Confidentiality Policy
- Record Keeping Policy

AUTHORISATION

SIGNED: Marten Wynd, President/Public Officer
DATE: 27 March 2018



Revision History

Revision	Date	Description of Modifications
1	16/11/21	Updated for Smart and Skilled Contract
2	5/6/22	Review – only small typos corrected.
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