

Complaints Policy

Policy number	GENPO20	Version	2.2
Drafted by	Sally Wynd	Approved by Board on	28/3/2018
Responsible person	Service Manager	Scheduled review date	28/3/2019

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 complaint 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 complaints and reconciliation of claimants with Eagles RAPS Inc.

Eagles RAPS Inc. believe it is important that they are made aware of all complaints from members of the organisation and its community. We aim to respond to complaints 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 complaints and appeals will be kept confidential and will not be filed in student, client or staff files. All correspondence in regard to appeals and complaints 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 complaint 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 complaint 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 cause;
- Trainers and assessors.

Non-academic matters do not include matters related to students, course, trainers or assessors. It may include complaints from clients, family members other services or the general public. It also extends to complaints 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 complaints process, Eagles RAPS Inc. will ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of the complaint.

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 complaint 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 complaints 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 complaint 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 complaint process known as Informal Resolution Process.

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

Prospective and Former Students

This Policy and related policies/procedures also cover prospective students who may have a complaint 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 complaint must not be a previous complaint which was considered to be resolved. A previous complaint cannot be re-instigated after the student's enrolment has ceased.

Stages of Complaint Implementation

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

The Claimant has the right to be heard on the matter of the complaint 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. complaints 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 finalized as soon as practicable. If Eagles RAPS Inc. feel 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

Wherever possible, complaints should be handled informally. Claimants and Respondents should be encouraged at an early stage to resolve the complaint informally and amicably. Students and clients are encouraged to speak to the Education Programs Manager and/or the Service Manager directly. If, during discussion, the issue cannot be resolved, then the Claimant must move onto Stage 2.

Stage 2 – Formal Resolution Process

This stage begins when a Claimant completes the formal complaint paperwork and submits it to the Education Programs Manager, the Service Manager or the Management Committee. Formal complaints respect the right to Privacy and all formal complaints must be lodged individually. Each Claimant's complaint will be viewed with the best interests of the individual in mind.

Stage 3 – Appealing the Original Decision

At this stage, the original decision is reviewed by the Management Committee and/or an Independent Review Committee in accordance with the Complaints Procedure. The President is responsible for convening the Independent Review Committee based on the Appeal documentation. The Independent Review Committee should include external members, internal staff and a student representative. The Committee will meet to consider the appeal and may interview the Complainant or other stakeholders in the course of its considerations.

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.

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 ACPET who will assist the Claimant in making contact with an external reviewer. The Claimant has to approve the external reviewer prior to commencing the process.

ACPET will be provided with copies of the request and other documentation relating to the complaint. The reviewer facilitated by ACPET 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 ACPET and the external reviewer will be treated as confidential. Within 30 working days of receipt of the complaint, 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 complaint 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	GENPR20	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 possible.

- Staff are responsible for directing students, clients and other stakeholders to this policy if they have a complaint.
- 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 complaint. The Claimant's right to privacy is assured and neither Claimants nor Respondents will not 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 to 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 complaint. 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.

Stage 1 – Informal Resolution Process

Claimants should be encouraged to try to resolve the complaint informally and amicably at the earliest stage by speaking with the person concerned. If this does not resolve the problem, then another staff member may be able to assist in informal processes to resolve the issue or act as mediator. Informal processes can also include the submission of and reply to feedback forms. A reply to a feedback form should be sent within 3 days of receiving the feedback form. All communications in an informal resolution process are recorded and kept in confidential records for 5 years.

If a resolution is not possible through the Informal Resolution Process, a Claimant is entitled to move to Stage 2 and lodge a formal complaint. A formal complaint can only be lodged by a person who is directly impacted by the events described in the complaint. There is no cost to the claimant for using the internal complaint resolution process.

Stage 2 – Formal Complaint Process

The formal complaint process begins when a Claimant puts a complaint in writing on a Formal Complain Form and submits this to the Service Manager. The Claimant should provide a detailed description of the complaint and include any documented evidence pertaining to the matter.

The Service Manager will reply to the complaint submission within 5 working days. This acknowledgment will:

- Advise the Claimant of the process, the timelines and what the Claimant needs to do.
- Advise the Claimant of their right to appeal if they are not satisfied with the outcome of Formal Complaints Process.

The complaint resolution process will begin within 10 days of receipt of the form and all reasonable measures will be undertaken to complete the process as soon as practicable. The Service Manager will seek to determine the outcome that the Claimant is wanting to achieve and will interview anyone who may be able to clarify and further information to the situation being discussed. Clarification may be sought from the Claimant, either face-to-face or in writing. Both the Claimant and the Respondent are able to be accompanied by a support person (not being legal counsellor or solicitor) if they wish, when in face-to-face discussions with Eagles RAPS Inc.

The Service Manager will provide a written decision to the Claimant within 20 working days of receipt of the formal complaint form, or as close to this time frame as possible. The correspondence will outline the decision and what that decision was based upon. It will also outline the process for appeal if the Claimant is not satisfied with the decision. This will include the contact details for the President and Vice-President of the Management Committee. The Service Manager will also provide an internal report which will remain on a confidential file for 5 years.

Stage 3 – Appealing the Original Decision

If the Claimant is still dissatisfied after Stage 2, they may lodge a further appeal, detailing their reasons for the appeal to the President of the Management Committee, or in their absence, the Vice-President of the Management Committee within 10 days of being informed of the decision from the Formal Complaints Process.

Students who lodge an appeal must remain enrolled and must continue to participate in their course while the dispute is being processed.

The President (or Vice-President) will acknowledge receipt of the appeal within 5 working days and will preview the documentation provided and will convene a meeting of a Complaints Committee within 10 working days of the appeal being received.

A Chairperson will be elected for the Complaints Committee which will consist of members who are independent of the complaint and have relevant understanding and expertise. As soon as possible they will review the information and conduct any interviews and investigations required and will advise the Claimant of any possible delays and make a time for a face-to-face meeting. The Claimant and the Respondent may be accompanied by a support person (not being legal counsel or a solicitor) if desired.

If the original decision is overturned then the Claimant's complaint is taken to be proven and actions to address the issue will be immediately identified and implemented. The President will provide a written report to the student and/or respondent advising the outcome and further steps to be taken within 28 days of receipt of the appeal. The President will also provide a report for the confidential student record which will be retained for a period of 5 years.

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 complaint;
- 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.

Stage 4 – External Independent Review

If the Claimant is dissatisfied with the outcome of their appeal, they may consider an independent external review. If the Claimant wishes to proceed to Stage 4, then they need to respond within 10 days of receipt of the final decision to the President, or in their absence, the Vice-President.

The President will arrange for such an external reviewer to be appointed by ACPET (Australian Council for Private Education and Training). Any costs incurred in the external review will be the responsibility of the Claimant.

On receipt of a written request for an Independent External Review, the President (or in his absence, the Vice-President) will contact ACPET to arrange for a reviewer. They will then contact the Claimant and provide the details of the reviewer along with the approximate costs of lodging an appeal. The claimant must lodge within 28 days of receiving a written notice of the final internal outcome.

ACPET will be provided with copies of all relevant documentation and will retain all documentation on file for a period of 5 years. The reviewer appointed will be appropriately qualified, and available to carry out this role. All information will be treated as confidential. Within 30 days the reviewer will provide the President with a written outcome of the review and any recommendations they make.

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 Complaints 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		
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