

Complaints and Appeals Policy and Procedure

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Complaints and Appeals Policy and Procedure

1. Purpose

AET aims to resolve complaints honestly, fairly and without bias and in an easily accessible manner which is inexpensive to the parties involved. This policy/procedure supports 'Standard 6 – of SRTOs 2015. This policy outlines a mechanism to ensure students and prospective students can have their dissatisfaction regarding any academic or non-academic matters addressed appropriately in a timely, fair and confidential manner.

2. Scope

This policy applies to all current, prospective and previous students and other stakeholders of AET

3. Policy

AET is dedicated to providing excellent services and maintaining a friendly relationship at all levels from top management including employers, down towards our students. AET is committed to maintaining compliance with all regulatory, legislative and contractual requirements and has Complaints and Appeals Policy to ensure all complaints and appeals are handled as efficiently and effectively to be actioned within 10 business working days of receipt. As a student with us, you are entitled to make an appeal to an assessment decision within 20 working days. The following outlines our policy and procedures for the handling of verbal and written complaints and appeals.

Our Responsibilities to you if you have a complaint or appeal:

- Take all grievances, complaints and appeals seriously.
- To provide an efficient, fair and structured mechanism for handling complaints and appeals processes for all Students.
- Act upon the subject of any grievances, complaint or appeal found to be substantiated
- To provide our prospective students with access to the complaints and appeals process before making an agreement to enrol, including those Students with any disabilities or special needs.
- Formal complaints and appeals can be written, or if verbal, a staff member will document the complaint or appeal and either the complainant or assisting staff member must sign-off the Complaints and Appeals Form.
- Action the complaint or appeal within 10 working days of receipt.
- Handle all grievances, complaints and appeals professionally and confidentially in order to achieve a satisfactory resolution
- To keep complainant or appellant informed about the progress of their complaint or appeal and the expected timeframe for resolution.
- To resolve the complaint or appeal as soon as possible.
- To review complaints and appeals so that we can improve our service.
- To maintain the student's enrolment whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- Provide details of external authorities' complainant may approach if not satisfied with the outcome.

4. Complaints Procedure

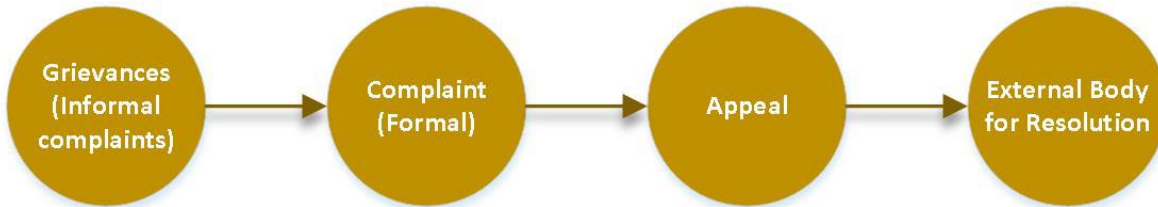
AET is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, AET ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.

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- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

Diagram of the Different Steps/ Procedures in the complaints management process:



4.1 General Process

- The Complaints and Appeals policy & procedure, and forms are made available to all Students and other stakeholders by directly contacting Chelsea College, through the AET website, and Student handbook.
- Where possible all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the student or stakeholder, emails and general mediation in relation to the issue and the student / stakeholder issue.
- Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal, the following procedures must be followed.
- Any Student, potential Student, employee or third party may submit a formal complaint to AET with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the Chief Executive Officer (CEO).
- Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at Chelsea College, or through the AET website.
- As per policy, all formal complaints are to be made in writing by the complainant using the complaints and appeal form or email.
- AET should review all complaints upon receipt.
- Acknowledge receipt of complaint in writing by sending a letter to complainant or email.
- Record details of the complaint on the Complaints and Appeals Register.
- Once a complaint or appeal is received and checked for, it should be forwarded to the appropriate personnel for review.
- There will be no charge to the complainant or appellant for the lodgement or presentation of their case. Incidental expenses for attending AET office to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.

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- All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue, to help them present their case. Any payments to accompany the friend/third party will be made by complainants or appellants.
- The Review Personnel may gather evidence and constitute a review committee as they see fit.
- This process must be commenced within 10 working days of the lodgement of the complaint or appeal (and receipt of all supporting evidence) and should be completed within a reasonable time period, usually 10- 15 working days.
- If further evidence is requested, then the Review Personnel must communicate with the complainant or appellant as soon as possible requesting evidence to be submitted within 5 working days.
- The process will be put on hold until the evidence is received.
- The decision will be advised in the written response to the complainant or appellant.
- In case of complaint, if the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.
- A template for a formal written response has been developed for when the complaint is accepted or rejected. This also includes the complainant's right to access the Internal Appeals process.
- A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the appellant's right to access the External Appeal process.
- All documentation relating to a formal complaint or appeal MUST be recorded on the student file, in case of Student. This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidentially and stored securely for the period prescribed by the relevant VET funding contract and SRT0.
- Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified and AET takes appropriate corrective actions to eliminate or mitigate the likelihood of reoccurrence.
- All formal complaints or appeals must be logged in the Complaints and Appeals Register.
- A complaint or appeal is a learning opportunity for AET The outcome will be seen as an input to the continuous improvement process. Any decisions that support Students will be immediately implemented.

4.2 Detailed Process

Complaints may be made in relation to any of AET services and activities such as:

- The application and enrolment process
- Marketing information
- The quality of training and assessment provided
- Training and assessment matters, including course progress, Student support and assessment requirements
- Student amenities and facilities
- Discrimination
- Sexual harassment
- The way someone has been treated
- The actions of another student within the scope of training services offered by AET Personal issues are outside of the scope
- Other issues that may arise

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Appeals should be made to request that a decision made by AET has to be reviewed. Decisions may have been about:

- Course admissions
- Refund assessments
- Response to a complaint
- Assessment outcomes / results
- Other general decisions made by AET

Where possible, all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the complainant, emails and general mediation in relation to the issue. Any staff member can be involved in this informal process to resolve issues, but once a complainant has placed a formal complaint / appeal, the following procedures must be followed.

If a complainant is uncomfortable in speaking directly to the person involved or the informal process does not resolve the issue to the complainant's satisfaction, the formal process should be followed as described later on in the document.

Where a student is unhappy with the outcome of an assessment decision, this will be dealt with under internal appeals.

Please refer to Assessment appeals points in the Appeals section.

4.3 Informal Complaint

- Students / Potential Students / stakeholders are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer / facilitator through Student Support Services about his/her concerns. Issues about fees should be discussed in the first instance with the Accounts Department through Student Support Services.
- Any Student with a question or complaint may raise the matter with AET Student Support Services staff and attempt an informal resolution of the question or complaint. This can be done online by email or by telephonic conversation and face-to-face.
- Questions or complaints dealt within this way do not become part of the formal complaint process and will not be formally documented, recorded or reported on unless the staff member involved determines that the issue, question or complaint was relevant to the wider operation of AET
- If the Student / Potential Student / Stakeholder has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, then he/she may discuss the issue with the Compliance Manager. In case of face-to-face meeting, he/she may be accompanied or assisted by a support person during this process.
- The Compliance Manager will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the complainant and the person(s) concerned.
- Within ten (10) days of receiving the grievance, the Compliance Manager will provide the complainant and any other person(s) directly concerned, with a written report summarising the actions that were taken, or will be taken, to resolve the issue.
- If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.

4.4 Formal Complaint

- Students or any other stakeholders who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so.

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- To register a formal complaint, a student must complete the Complaints and Appeals Form and contact the Student Support Services to arrange a meeting with Compliance Manager, if required (a nominated person if Compliance Manager is not present for the particular case). It is better to provide as many details as possible.
- Once a formal complaint is received it will be entered into the Complaints and Appeals Register and written acknowledgment will send to complainant. The information to be contained and updated within the register is as follows:
 - The name of the complainant
 - Date of the complaint
 - Type of complaint
 - Name of investigating officer / department assigned to deal with the complaint
 - Response from those involved in the allegations
 - Analysis of the matter
 - Outcome of complaint
 - Action recommended to address systemic issues (if any)
 - Time taken to investigate complaint
 - Complainant satisfaction with the outcome.
- There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice, support, assistance or company from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- At the stage of the complaint meeting (if required), the complaint must be recorded in writing and signed and dated. The complaint is recorded in writing by completing the Complaints and Appeals Form prior to the meeting or a new document can be prepared and signed during the meeting.
- The Compliance Manager will then refer the matter to the appropriate staff members to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Where a decision is expected to take longer than 60 days, AET will advise the student in writing of the delay and including the reasons for the delay. Thereafter the complainant will be provided with weekly updates in writing of the progress of the complaint.
- If decision is taking more than 60 days, matter can be forwarded to an external complaint resolution organisation as well for resolution.
- At the end of the resolution phase, the Student Support Services will report AET decision to the complainant in writing. The decision and reasons for the decision will be documented by the Compliance department and will update the records accordingly.
- Following the resolution phase, AET must implement the decision as conveyed to the complainant. AET will immediately implement any decision and/or corrective and preventative actions that are required.
- Where the formal complaint process does not find in favour of the complainant, s/he will be notified that they have the right of appeal. He/she may institute internal appeals process by completing the Complaints and Appeals Form.
- To appeal a decision, AET must receive, in writing, grounds of the appeal within 10 days of the date of the notice of the decision.

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- Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the Compliance Manager or representative and also in the student's file, in case of Student as complainant
- We will ensure that the investigation process is impartial and encompasses the Principles of Natural Justice. No assumptions will be made nor any action be taken until all relevant information has been collected and considered.
- There will be no victimisation against anyone who makes a complaint.
- Nothing in this procedure inhibits complainant's rights to pursue other legal remedies. Complainants are entitled to resolve any dispute by exercising their rights to other legal remedies

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5. Internal Appeals

- All Students and stakeholders have the right to appeal complaint resolution decisions made by AET where reasonable grounds can be established. The areas in which a student or stakeholder may appeal a decision made by AET may include:
 - Any other conclusion/decision that is made after a complaint has been dealt with AET in the first instance as described in the complaints process above. This is referred to as *General Appeals and Internal Appeals (7.10)*.
 - *Assessment Appeals*
 - Where Students wish to appeal an assessment or RPL, they are required to notify their Trainer / Facilitator / Assessor in the first instance. Where appropriate their Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Assessor shall complete a written report regarding the re-assessment outlining the reasons why re-assessment was - or was not - granted.
 - If this is still not to the student's satisfaction, the student may formally lodge an appeal. They will lodge this with the Compliance Manager, or a nominee appointed by the Compliance Manager and the appeal will be entered in the Complaints and Appeals Register.
- To activate the appeals process, the appellant must complete a Complaints and Appeals Form that is to include a summary of the grounds the appeal is based upon. The reason the appellant feels the decision is unfair, is to be clearly explained and help and support with this process can be gained from AET staff.
- Where an appellant has appealed a decision or outcome of a formal complaint, s/he is required to notify AET in writing within 10 working days, of the grounds of her/his appeal. Any supporting documentation should also be attached to the appeal.
- AET representative must record the details in the Complaints and Appeals Register.
- The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged in writing.
- The Compliance Manager or a nominee appointed by Compliance Manager will be notified and will seek details regarding the initial documentation of the appeal.
- The Compliance Manager/CEO will conduct meeting with the concerned parties separately and gather evidence from the appellant and make a decision based on the grounds of the appeal.
- The appellant will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. Particularly the appellant will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The appellant is required to notify RTO if they wish to proceed with the external appeals process.
- Compliance Manager ensures AET acts on any substantiated appeal. Compliance Manager determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.
- The Compliance Manager will be notified and will seek details from the Assessor involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party will be another Trainer/Assessor appointed by AET

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- The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register will be updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify AET if they wish to proceed with the external appeals process.
- We recognise the right of individuals to approach an external agency if the formal complaint or internal appeal has not resolved the issue to their satisfaction.
- The student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- A maximum time of 30 calendar days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

6. External Appeals

- If not satisfied with the internal appeal processes, the complainant / appellant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by AET for that purpose.
- The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between AET and the complainant / appellant.
- AET will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.
- If a student or stakeholder is still dissatisfied with the decision of Chelsea College, they may wish to seek advice or make a complaint about AET to external appeal body. If, after AET internal complaints and appeals processes have been completed, and they still believe AET is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the "The Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA will not be able to act as their advocate, the lodgement of their complaint will inform ASQA's risk assessment of AET and a complaint audit may be conducted.
- Contact details for ASQA are:

Australian Skills Quality Authority

- Telephone: 1300 701 801
- Email: complaintsteam@asqa.gov.au
- Website: www.asqa.gov.au

Office Locations:

- Melbourne - Level 6, 595 Collins Street
 - Brisbane - Level 7, 215 Adelaide Street
 - Sydney - Level 10, 255 Elizabeth Street
 - Canberra - Ground Floor, 64 North Bourne Avenue
 - Perth - Level 11, 250 St Georges Terrace
 - Adelaide - Level 5, 115 Grenfell Street
 - Hobart – Level 11, 188 Collins Street
- Students can also contact following external mediators to have any decisions by AET reviewed as a result of a student complaint or appeal. External mediators' details are as below:

Ombudsman Victoria

Level 9, 459 Collins Street, Melbourne 3000

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Tel: (03) 9613 6222 or 1800 806 314
Web: <http://www.ombudsman.vic.gov.au>

Dispute Assessment Officer
Dispute Resolution Centre of Victoria
Level 4, 456 Lonsdale Street, Melbourne 3000
Tel: (03) 9603 8370
Web: <http://www.disputes.vic.gov.au/>

- Where the student determines they wish to appeal Administration Manager's decision in relation to their complaint or appeal they are able to contact the Ombudsman and submit an appeal application. The cost of this appeal process is free.
- Where a decision or outcome is in favour of the student AET shall follow the required action and recommendation from Ombudsman to satisfy the student's complaints as soon as practicable.
- The decision of this independent mediator is final and any further action the student wishes to take is outside Chelsea College's policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the CEO.

7. Responsibility

Chelsea College's CEO, Compliance Manager and the Administration Manager will be responsible for the implementation and management of this policy and to ensure that the staff are aware of its application and procedures and promptly follow it.

8. Associated Procedure /Document:

- Complaints and Appeal Form
- Complaints and Appeal Register
- Continuous Improvement Register
- Complaints and Appeal Outcome