

Complaints & Appeals Policy and Procedure

1. Policy

This policy/procedure supports the RTO to provide a process for complaints and appeals to be heard and actioned. This includes any allegations involving the conduct of

- the RTO, its trainers, assessors or other staff;
- a third party providing services on the RTOs behalf, its trainers, assessors or other staff; or
- a learner of the RTO

All complaints and appeals received by E-focus Training will be viewed as an opportunity for improvement.

Despite all efforts of E-focus Training to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students with the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student (unless referred to a third party; see the procedure for more details).

2. Procedure

The complaints and appeals policy and procedure and applicable form(s) are made available to all students and potential students by directly contacting the RTO, through the RTO's website, and within the Student Handbook.

2.1 General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the complainant's 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, or third party may submit a formal complaint to E-focus Training with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process.
- 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 in writing by the CEO of E-focus Training.
- 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 gained by contacting the Student Services Department at the RTO, or through the RTO's website.
- All formally submitted complaints or appeals are submitted directly to the Division Manager Training Services. Complaints are to include the following information:
 - Submission date of the complaint
 - Name of the complainant;
 - Nature of complaint;
 - Date of the event which led to the complaint
 - Attachments (if applicable)

- The complainant shall be notified in writing that their complaint has been received and registered with the RTO.
- A complainant may be assisted or accompanied by a support person (of their choice) regardless of the nature of the issue or complaint throughout the process at all times.
- The RTO Manager/Training Services Division Manager shall then refer the matter to the appropriate staff 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.
- As part of the process of investigating the complaint, the RTO Manager/Training Services Division Manager shall ensure the principles of natural justice and procedural fairness are maintained at all times. This includes informing and including all parties involved in the allegations or cause for the complaint. There will be opportunities provided to all parties to present their version of the event(s) or action(s) that have caused the complaint. The collection of information and details regarding the complaint will be conducted in a manner that ensures the privacy and confidentiality of all parties involved.
- To ensure the fairness of the complaints system, the complaints resolution process (investigation and determining the outcomes of a complaint) must be completed by a person independent of the complaint. In other words, where the complaint is in relation to the RTO Manager/Training Services Division Manager, the complaint shall be referred immediately to the CEO and if the complaint is in relation to the CEO, the complaint shall be referred immediately to the Board of the organisation.
- In the unlikely event that the complaint is not finalised within 60 calendar days, the RTO shall ensure that the complainant shall be provided reasons for the delay, and will be regularly kept informed and updated of the progress of the matter.
- Once a decision has been reached, the RTO Manager/Training Services Division Manager shall be required to inform all parties involved in any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint, the complainant shall also be notified that they have the right to appeal. To appeal a decision, the RTO must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.
- The RTO Manager/Training Services Division Manager shall ensure that the RTO will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the RTO must immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the 'Complaints and Appeals Register' and on the student's file/ complainant's file.

2.2 Appealing a Decision

All complainants' have the right to appeal decisions made by E-focus Training where reasonable grounds can be established. The areas in which a student may appeal a decision made by E-focus Training may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion/decision that is made after a complaint has been dealt with by E-focus Training in the first instance.

- All appeals must be lodged within 30 days of the issue occurring/ decision being made.
- To activate the appeals process, the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from the RTO Student Services Department.
- The complainant shall be notified in writing that their appeal has been received and registered with the RTO.
- The RTO Manager/Training Services Division Manager shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
- The RTO Manager/Training Services Division Manager shall ensure that E-focus Training acts on any substantiated appeal.
- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

General appeals

- Where a complainant has appealed a decision or outcome of a formal complaint, they are required to notify E-focus Training in writing within 30 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
- The appeal shall be lodged through the RTO Administration and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.
- The RTO Manager/Training Services Division Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The complainant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The complainant shall also be provided with the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify E-focus Training if they wish to proceed with the external appeals process.

Assessment appeals

- Where a student wishes to appeal an assessment they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why the assessment was or was not granted.
- If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with the Student Services Department and the appeal shall be entered into the 'Complaints and Appeals Register'.
- The Education Manager shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall 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 shall be another Internal Trainer & Assessor appointed by E-focus Training.
- The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided with the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify E-focus Training Services Department if they wish to proceed with the external appeals process.

2.3 Further information and External Mediator

External Appeals:

In addition to the above internal processes, if the processes fail to resolve the complaint or appeal, or the complainant or appellant is still dissatisfied with the decision of the RTO, an application with an independent and external dispute resolution body can be submitted to allow for any decisions made by the RTO in relation to the complaints and/or appeals process to be reviewed independently of the RTO. (See below for contact details).

Where the RTO is informed that the student has accessed external appeals processes:

- The RTO will maintain a student's enrolment until the external appeal process is finalised.
- The RTO will comply with the findings of the external appeals process.
- Where a decision or outcome is in favour of the complainant, E-focus shall follow the required action and recommendation from the relevant external appeals organisation to satisfy the student's grievance as soon as practicable.
- The decision of the independent mediator is final and any further action the student wishes to take is outside the RTO's policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the CEO.
- All records and correspondence in relation to an external appeal shall be maintained with the initial complaint and internal appeal documentation within the 'Complaints and Appeals Register' and the student file for a minimum of 7 years.

Independent Mediator:

The **Dispute Settlement Centre of Victoria (DSCV)** is a free dispute resolution and mediation service funded by the Victorian Government and may be able to assist resolve any outstanding complaint or issue with the complaint handling process.

Further details and office locations for this service are available from <http://www.disputes.vic.gov.au/>.

Further information:

If, after the RTO's internal complaints and appeals processes have been completed, you still believe the RTO is breaching or has breached its legal requirements, you can submit a complaint to VRQA by doing one of the following:

- completing an online complaint form
- writing a letter and posting to the VRQA
- visiting the VRQA Office in person
- Calling the VRQA office

Further information can be found on the VRQA website:

<http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx>

Contact details for VRQA are as follows:

Victorian Registration and Qualifications Authority (VRQA).

Level 4

Casselden Place

2 Lonsdale Street

Melbourne Vic 3000

Postal Address: GPO Box 2317, Melbourne, Vic, 3001

Ph: (03) 9637 2806

Website: www.vrqa.vic.gov.au

Please note: there is no cost to the student to submit a complaint to the VRQA.

National Training Complaints Hotline

Alternatively, students are able to contact the **National Training Complaints Hotline** which is designed to protect the interests of students and employers. The contact details are as follows:

Website: <https://www.education.gov.au/NTCH>

Phone: 13 38 73

Students are also able to submit their complaint via email following the process described at <https://www.education.gov.au/email-complaints>

2.4 Preventative and Corrective Action

If the internal or any external complaint handling or appeal processes result in a decision that supports the complainant, E-focus will immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant, and all involved in the matter, of the outcome.

In all cases where a complaint, internal appeal, or external appeal is submitted results in any type of corrective action to be taken by the RTO, details of the complaint and/or appeal shall be reviewed to ensure that steps are taken to eliminate or mitigate the likelihood of recurrence.

In addition, the complaints and appeals register shall be monitored by the RTO Manager/Training Services Division Manager to ensure that all complaints and appeals submitted, regardless of the outcome, are monitored and reviewed to ensure appropriate steps and actions are identified to prevent further re-occurrence.

The details of the complaint and resulting outcome(s) shall be reviewed as part of the RTO's next departmental meeting with the purpose of identifying the potential causes of the initial complaint. The RTO will then determine appropriate steps to be taken so as to remove the potential issue arising again in the future. Where the complaint has arisen due to any employee or student actions, appropriate mechanisms shall be implemented to ensure appropriate education is provided to prevent the recurrence of potential issues.