

COMPLAINTS AND APPEALS POLICY

CONTENTS

1	PURPOSE.....	1
2	POLICY STATEMENT.....	1
3	TYPES OF COMPLAINTS AND APPEALS.....	2
4	MAKING A COMPLAINT OR APPEAL.....	2
5	COMPLAINTS AND APPEALS RESOLUTION.....	3
6	RESOLUTION TIMEFRAMES.....	3
7	REGISTERING COMPLAINTS AND APPEALS.....	3
8	CONTINUOUS IMPROVEMENT.....	3
9	INDEPENDENT REVIEW.....	4
10	EXTERNAL COMPLAINT AVENUES.....	4
11	PROCEDURE - COMPLAINTS MANAGEMENT.....	5
12	PROCEDURE - APPEALS MANAGEMENT.....	6
13	PROCEDURE - INDEPENDENT REVIEW.....	7
14	PROCEDURE - EXTERNAL COMPLAINT OR APPEAL.....	8
15	APPROVAL AND REVIEW DETAILS.....	9

1 PURPOSE

The purpose of this policy is to ensure that Yarrowonga Mulwala Community & Learning Centre provides a complaints and appeals avenue to participants and a fair, efficient, and confidential manner and to meet the Standards for RTOs 2015.

This Policy and Procedure supports the following Standards for RTOs 2015:

Standard 6.1
Standard 6.2
Standard 6.3
Standard 6.4
Standard 6.5, and
Standard 6.6

2 POLICY STATEMENT

The principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process. YMCLC ensures complaints and appeals:

- Are responded to in a consistent, transparent and fair manner, free from bias
- Are responded to promptly, objectively, with sensitivity and confidentiality
- Can be made at no cost to the complainant or appellant
- Are used as an opportunity to improve – by identifying potential causes of the complaint or appeal and taking actions to prevent or reduce the likelihood of re-occurrence
- Will not affect the student's enrolment while the complaint and/or appeal is processed and will not affect or bias any current or future training

This policy will be made publicly available on the YMCLC website.

YMCLC will inform all course participants during their pre-training review that they have the right to seek redress if they believe that they have been treated unfairly or if they are not satisfied with any of the training or assessment outcomes and the procedure that they must follow.

YMCLC participants and clients have the right to lodge a complaint or appeal within three (3) months of completing a course.

3 TYPES OF COMPLAINTS AND APPEALS

Complaints may be made in relation to any YMCLC services and activities may involve, but are not limited to:

- Marketing information
- Application and enrolment (eg fees, charges, facilities, personal information held, other services, etc)
- The quality of training and assessment provided (eg course selection, training resources, training delivery, assessment, awards, etc)
- Training progress and support
- Assessment decisions, outcomes and/or results
- Training product and services
- Misconduct or actions of another student, YMCLC staff member, contractor or volunteer

Appeals should be made to request that a decision made by, or on behalf of YMCLC is reviewed.

Decisions may involve, but are not limited to:

- Assessment outcomes/results
- Acceptance into a course
- Refunds
- Response to a complaint
- Other general decisions made by YMCLC

4 MAKING A COMPLAINT OR APPEAL

Complaints about a particular incident should be made within 30 calendar days of the incident occurring.

Appeals must be made within 20 calendar days of the original decision being made.

Complaints and appeals should be made via the relevant Grievances, Complaints and Appeals Form/s.

Complaints and appeals will be acknowledged in writing within 5 business days from the receipt of the relevant form.

When making a complaint or appeal, provide as much information as possible to enable us to investigate and determine an appropriate solution. This should include:

- The issue including description of what happened, the affect it had and relevant dates.
- Evidence to support the complainant's case (if possible);
- If the complaint or appeal has been discussed with a staff member.
- Details about the steps already taken to resolve the issue

5 COMPLAINTS AND APPEALS RESOLUTION

Relevant YMCLC management team staff will be involved in resolving complaints and appeals as outlined in our procedure.

Where a third-party delivering Services on behalf of YMCLC is involved, they will also be included in the process of resolving and/or responding to the complaint or appeal.

The Complainant, Appellant or Respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.

Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made. They will also be advised in writing of any allegations made against them.

In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

6 RESOLUTION TIMEFRAMES

Complaints and appeals will be finalised as soon as practicable or at least within 20 calendar days unless there is a significant reason for the matter to take longer. Where YMCLC considers more than 60 calendar days are required to process and finalise the complaint or appeal, YMCLC will:

- Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required: and
- Provide regular updates to the complainant or appellant on the progress of the matter.

7 REGISTERING COMPLAINTS AND APPEALS

YMCLC will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register. This register will be stored securely on the YMCLC internal file management system. If a complaint or appeal involves a student or staff member, details will also be held on the relevant secure file which only authorised staff have access to.

8 CONTINUOUS IMPROVEMENT

YMCLC will review and identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence. The information supplied will be used to review YMCLC processes and practices through our Continuous Improvement Management Plan.

9 INDEPENDENT REVIEW

YMCLC acknowledges the need for an appropriate independent party to be appointed to review a complaint or appeal where the internal processes have failed to find a resolution, and this is requested by the complainant or appellant.

- The request notice should be in writing, addressed to the Executive Officer and emailed to jaclarke@ymclc.edu.au
- Requests for an independent external review will be acknowledged in writing.

External fees are likely to apply, and costs associated with external third-party review will be advised to the complainant or appellant for payment. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by YMCLC.

YMCLC will provide complete cooperation with the external party investigating the complaint/appeal and will be bound by the recommendations arising out of this process. YMCLC will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations.

The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

10 EXTERNAL COMPLAINT AVENUES

Complainants and appellants are able to use their own external party or the complainant or appellant can directly contact other external agencies listed below including:

National Complaints Hotline

National service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/ authority/ jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Calling: 13 38 73, Monday–Friday, 8am to 6pm nationally or
- Email: skilling@education.gov.au

ASQA (Australian Skills Quality Authority)

ASQA is YMCLC’s registering body and will only use the information you provide to inform its regulatory approach and will not contact us on your behalf or act as your advocate.

Our complaints and appeals process must be followed prior to lodging a complaint with the Australian Skills Qualification Authority (ASQA)

For more information, refer to the following webpage:

<http://www.asqa.gov.au/complaints/make-a-complaint—domestic-students/make-a-complaint—domestic-students1.html>

Australian Consumer Law

Individuals have the right to take action under the Australian Consumer Law and to pursue other legal remedies.

<https://consumerlaw.gov.au/>

11 PROCEDURE - COMPLAINTS MANAGEMENT

PROCEDURE	RESPONSIBILITY
<p>11.1 Acknowledge and record complaint received Complaints and appeals should be made via the relevant Grievances, Complaints and Appeals form</p> <ul style="list-style-type: none"> • Complaints are to be acknowledged in writing within 5 business days of receipt of the relevant form • Executive Officer and Training Manager to review all complaints. • Training Assistant to record details on the Complaints and Appeals Register. 	<p>Executive Officer Training Manager Training Assistant</p>
<p>11.2 Investigate and review the complaint Executive Officer and Training Manager to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.</p> <ul style="list-style-type: none"> • Further details from the complainant, respondent or other involved parties may be requested during this stage, either in writing, over the phone or face to face. • If the complaint is concerning a third-party delivering services on behalf of YMCLC, inform the third party of the complaint and include them in the resolution process. • Inform the relevant trainer/assessor if the complaint or appeal has the potential to affect an assessment being processed. <p>The Executive Officer, Training Manager and/or their delegate to:</p> <ul style="list-style-type: none"> • Commence the investigation process no later than 10 working days, as far as practicable, of the receipt of the Grievances, Complaints and Appeals form. • Investigate complaint to ensure all relevant information provided is accurate and complete. 	<p>Executive Officer Training Manager</p>

<ul style="list-style-type: none"> • Review, investigate and mediate within YMCLC policies to resolve the complaint or appeal and include the relevant staff (if applicable); • Advise the complainant or appellant that they may formally present his or her case and may be accompanied or assisted by a support person at any relevant meeting. • Inform the parent(s) / legal custodian(s) of the student if the student is younger than 18 years of age. 	
<p>11.3 Record resolution and advise of outcome Executive Officer and Training Manager to make an objective and fair decision on the evidence available. Complete the Complaints and Appeals Investigation and Resolution form:</p> <ul style="list-style-type: none"> • YMCLCs understanding of the complaint. • Measures taken to investigate and resolve the complaint. • Actions required to address complaint. • Resolution decisions and reason for the decision. • Advise of the right to access the appeals process if they are not satisfied with the outcome of the complaints process <p>Training Assistant to record complaint resolution details and outcome on the:</p> <ul style="list-style-type: none"> • Complaints and Appeals Register with outcome of the complaint. • Continuous Improvement Register if any improvements are to be actioned because of the outcome. • Retain a copy of the complaint and all supporting documentation in the Complaints file and in the student or staff file (where relevant). <p><i>Note: Complaints or appeals wherever possible are to be resolved within 30 working days, as far as practicable, of the receipt of the relevant form. If the matter is particularly complex and it is going to take longer than 60 days to resolve, the complainant is to be advised in writing including reasons for the extra time. Progress updates must be provided to all parties on a weekly basis until the matter is resolved.</i></p>	<p>Executive Officer Training Manager Training Assistant</p>
<p>11.4 Review complaints At the next Committee meeting, discuss the complaints process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	<p>Executive Officer Training Manager</p>

12 PROCEDURE - APPEALS MANAGEMENT

PROCEDURE	RESPONSIBILITY
<p>12.1 Acknowledge and record appeal received If the Complainant is not satisfied with the outcome of the assessment and investigation they may lodge an appeal within 10 working days, as far as practicable, of receiving written notification of the decision. In exceptional circumstances, YMCLC may allow a longer period.</p> <ul style="list-style-type: none"> • The complainant or appellant can request deferral of the appeal due to emergency circumstances; a medical certificate must be forwarded to the Training Manager. • The appeal must be in writing, on the relevant Grievances, Complaints and Appeals form and emailed to the Training Manager learning@ymclc.edu.au • Training Assistant to record details of appeal in the Complaints and Appeals Register • The appeal must be resolved within 60 days of receipt of the appeal. If the matter is complex and more time is required, the appellant will be advised in writing with reasons for the requirement for extra time. Progress updates on a fortnightly basis need to be provided. 	<p>Training Manager Training Assistant</p>
<p>12.2 Response to assessment appeals In the case of appeals against assessment decisions, an assessor independent of the original decision must:</p> <ul style="list-style-type: none"> • Review original assessment • Mark the assessment again • Advise the student of the outcome of the appeal in writing. 	<p>Training Manager</p>

The assessment decision made during the appeals process will be considered the actual assessment outcome.	
<p>12.3 Response to non-academic appeals</p> <p>Executive Officer to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.</p> <ul style="list-style-type: none"> • Commence the appeal review process no later than 10 working days, as far as practicable, after appeal submission • Advise of outcome within 30 working days of being assigned, as far as practicable, (timeframes advised in writing to the appellant and if more time is needed, this is discussed) Identify the original decision made and the reasons for the decision. • Further details from the appellant, respondent, the person who made the original decision or other involved parties may be requested during this stage, either in writing, over the phone or face to face. • If the appeal is concerning a third-party delivering services on behalf of YMCLC, inform the third party of the appeal and include them in the resolution process. • YMCLC management team will review all relevant information and decide on an appropriate response. • Where a decision cannot be reached, consider appointing an external independent mediator and inform the relevant Manager or Coordinator if the complaint or appeal has the potential to affect an assessment being processed. 	Executive Officer
<p>12.4 Record appeal outcome and advise appellant</p> <p>Provide a written response to the appellant outlining:</p> <ul style="list-style-type: none"> • The RTO's understanding of the reasons for the appeal • The steps taken to investigate and resolve the appeal • Decisions made about resolution and reasons for the decisions • Areas that have been identified as possible causes of the appeal and improvements to be recommended <p>Record complaint resolution details and outcome on the:</p> <ul style="list-style-type: none"> • Complaints and Appeals Register with outcome of the appeal. • Continuous Improvement Register if any improvements are to be actioned as a result of the outcome Retain a copy of the appeal and all supporting documentation in the appeals file and in the student or staff file (where relevant) 	Executive Officer
<p>12.5 Review appeals</p> <p>At the next committee meeting, discuss the appeals process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Executive Officer

13 PROCEDURE - INDEPENDENT REVIEW

Procedure	Responsibility
<p>13.1 Request for independent review</p> <ul style="list-style-type: none"> • If the complainant or appellant is not satisfied with YMCLC's internal process to resolve the issue, they can request YMCLC to plan for an independent third party to review the complaint or appeal. • The request notice should be in writing, addressed to the Executive Officer and emailed to jaclarke@ymclc.edu.au; • Executive Officer to acknowledge requests for an independent external review in writing. <p><i>The complainant or appellant is legally entitled to contact an independent authority for an external independent review.</i></p>	Executive Officer
<p>13.2 Cost of independent review</p> <ul style="list-style-type: none"> • External fees are likely to apply, and costs associated with external third-party review will be advised to the complainant or appellant for payment. 	Executive Officer

<ul style="list-style-type: none"> • Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by YMCLC. 	
<p>13.3 Independent review outcome and implementation</p> <ul style="list-style-type: none"> • Record the investigation in the Complaint and Appeal - Independent External Review. • YMCLC will provide complete cooperation with the external party investigating the complaint/appeal and will be bound by the recommendations arising out of this process. • YMCLC will ensure that any recommendations made are implemented within thirty (30) days of being notified of the recommendations. • The complainant or appellant will also be formally notified in writing of the outcome of the mediation. 	Executive Officer
<p>13.4 Review process of independent review and outcome</p> <p>At the committee meeting, discuss the independent review process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Executive Officer
<p>3.5 Update records</p> <p>Record independent review outcome details on:</p> <ul style="list-style-type: none"> • Complaints and Appeals Register • Continuous Improvement Register if any improvements are to be actioned because of the outcome <p>Retain a copy of the independent complaint or appeal and all supporting documentation in the independent complaints and appeals file and in the student or staff file (where relevant)</p>	Executive Officer

14 PROCEDURE - EXTERNAL COMPLAINT OR APPEAL

Procedure	Responsibility
<p>14.1 Complaint or appeal to external agencies</p> <ul style="list-style-type: none"> • Complainants and appellants are able to use their own external party, or the complainant or appellant can directly contact other external agencies including: • National Complaints Hotline • ASQA (Australian Skills Quality Authority) • YMCLC will respond as necessary and fully cooperate with external agencies to resolve any complaints and appeals or other issues relating to the delivery of services. Note: YMCLC complaints and appeals process must be followed before making a complaint about YMCLC to the Australian Skills Qualification Authority (ASQA) 	Executive Officer
<p>14.2 Review external complaint and appeal</p> <p>At the next committee meeting, discuss the external complaint and appeals process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Executive Officer
<p>14.3 Update records</p> <p>Record external complaint or appeal details and outcome on the:</p> <ul style="list-style-type: none"> • Complaints and Appeals Register • Continuous Improvement Register if any improvements are to be actioned because of the outcome <p>Retain a copy of the external complaint or appeal and all supporting documentation in the external complaints and appeals file and in the student or staff file (where relevant)</p>	Executive Officer

15 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Executive Officer

Approval and Review	Details
Advisory Committee to Approval Authority	Committee of Management
Administrator	Training Manager
Next Review Date	November 2022

Approval and Amendment History	Details
Original Approval Authority and Date	7/11/2016 Policy 1 – Appeals Policy
Amendment Authority and Date	
Notes	