

POLICY NO: 51

PURPOSE

The purpose of this policy is to ensure that Yarrowonga Mulwala Community & Learning Centre (YMCLC) RTO 21765 provides a complaints and appeals avenue to participants in a fair, efficient, and confidential manner.

This Policy and Procedure supports the following Standards for RTOs:

- Standard 6.1 – 6.6
- Standard 2.7. 2.8, 4.4 revised Standards

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 they have been treated unfairly or if they are not satisfied with any of the training or assessment outcomes, and
- Of the procedure they must follow.

PROCEDURE

1. TYPES OF COMPLAINTS AND APPEALS

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

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

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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

2. 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.

Complaints and appeals will be acknowledged in writing within five (5) business days of 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 a 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 steps already taken to resolve the issue.

3. 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.

4. RESOLUTION TIMEFRAMES

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

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

5. 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.

6. 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.

7. 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 be formally notified in writing of the outcome of the mediation.

8. EXTERNAL COMPLAINT AVENUES

Complainants and appellants are able to use their own external party, or they can directly contact other external agencies, including:

National Training 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

Lodging a complaint form on <http://www.dwer.gov.au/national-training-complaints-hotline>

Australian Skills Quality Authority (ASQA)

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 ASQA. For more information, refer to <http://www.asqa.gov.au/students/complaints>

Australian Consumer Law

Individuals have the right to take action under the Australian Consumer Law and to pursue other legal remedies, refer <https://consumerlaw.gov.au/>

9. COMPLAINTS MANAGEMENT

i) Acknowledge and record complaint received

Complaints and appeals should be made via the relevant Grievances, Complaints and Appeals form.

Complaints are to be acknowledged in writing within five business days of receipt of the relevant form. Executive Officer and Training Manager to review all complaints. Training Manager to record details on the Complaints and Appeals Register.

ii) Investigate and review the complaint

The Executive Officer and Training Manager are to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.

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, the Training Manager will inform the third party of the complaint and include them in the resolution process.

The Training Manager is to inform the relevant trainer/assessor if the complaint or appeal has the potential to affect an assessment being processed.

The Executive Officer, Training Manager and/or their delegate will:

- Commence the investigation process no later than ten 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.
- 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 their case and may be accompanied or assisted by a support person at any relevant meeting.
- The Training Manager is to inform the parent(s)/legal custodian(s) of the student if the student is younger than 18.

iii) Record resolution and advise of outcome

Executive Officer and Training Manager will make an objective and fair decision on the evidence available. They will complete the Grievances, Complaints and Appeals form, including:

- YMCLCs understanding of the complaint.
- Measures taken to investigate and resolve the complaint.
- Actions required to address the complaint.
- Resolution decisions and reasons for the decision.
- The right to access the appeals process if they are not satisfied with the outcome of the complaints process.

Training Manager to record complaint resolution details and outcome on the:

- Grievances, Complaints and Appeals Register with outcome of the complaint.
- Continuous Improvement Register if any improvements are to be actioned because of the outcome; and
- Retain a copy of the complaint and all supporting documentation in the Complaints file and in the student or staff file (where relevant).

Note: Complaints or appeals are to be resolved within thirty (30) working days, as far as practicable, of receipt of the relevant form. If the matter is particularly complex and is going to take longer than sixty (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.

iv) Review complaints

At the next Board of Management meeting, discuss the complaints process and its outcome to consider if improvements need to be made to prevent recurrence.

10. APPEALS MANAGEMENT

i) Acknowledge and record appeal received

If the complainant is not satisfied with the outcome of the Grievance, Complaint and Appeals 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.

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 Manager to record details of appeal in the Grievances, Complaints and Appeals Register.

The appeal must be resolved within sixty (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.

ii) Response to assessment appeals

In the case of appeals against assessment decisions, an assessor independent of the original decision must:

- Review the original assessment.

- Mark the assessment again.
- Advise the student of the outcome of the appeal in writing.

The assessment decision made during the appeals process will be considered the actual assessment outcome.

iii) Response to non-academic appeals

The Executive Officer is to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.

Commence the appeal review process no later than ten (10) working days, as far as practicable, after appeal submission.

Advise of outcome within thirty (30) working days of being assigned, as far as practicable, (appellant advised in writing of timeframes 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, the Executive Officer will 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 trainer if the complaint or appeal has the potential to affect an assessment being processed.

iv) Record appeal outcome and advise appellant

Provide a written response to the appellant outlining:

- 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.

Record complaint resolution details and outcome on the:

- 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, and
- Retain a copy of the appeal and all supporting documentation in the appeals file and in the student or staff file (where relevant).

v) Review appeals

At the next Board meeting, discuss the appeals process and its outcome to consider if improvements need to be made to prevent recurrence.

11. INDEPENDENT REVIEW

i) Request for independent review

If the complainant or appellant is not satisfied with YMCLCs internal process to resolve the issue, they can request 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

The Executive Officer must acknowledge requests for an independent external review in writing.

The complainant or appellant is legally entitled to contact an independent authority for an external independent review.

ii) Cost of independent review

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.

iii) Independent review outcome and implementation

The Training Manager to record the investigation in the Grievances, Complaint and Appeal Register.

YMCLC will cooperate 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.

iv) Review process of independent review and outcome

At the Board of Management meeting, discuss the independent review process and its outcome to consider if improvements need to be made to prevent recurrence.

v) Update records

Record independent review outcome details on:

- Grievances, Complaints and Appeals Register.
- Continuous Improvement Register, if any improvements are to be actioned because of the outcome.

- Retain a copy of the independent complaint or appeal and all supporting documentation in the in the student or staff file (where relevant).

12. EXTERNAL COMPLAINT OR APPEAL

i) Complaint or appeal to external agencies

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

- National Training Complaints Hotline.
- Australian Skills Quality Authority (ASQA).
- 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 grievances, complaints and appeals process must be followed before making a complaint about YMCLC to the Australian Skills Qualification Authority (ASQA).

ii) Review external complaint and appeal

At the next Board meeting, discuss the external complaint and appeals process and its outcome to consider if improvements need to be made to prevent recurrence.

iii) Update records

Record external complaint or appeal details and outcome on the:

- Grievances, Complaints and Appeals Register.
- Continuous Improvement Register if any improvements are to be actioned because of the outcome.
- Retain a copy of the external complaint or appeal and all supporting documentation in the student or staff file (where relevant).

RELATED DOCUMENTS

Grievances, Complaints and Appeals form
Grievances, Complaints and Appeals Register
Pre-Enrolment Information

RELATED POLICIES

Assessment Policy
Code of Conduct
Continuous Improvement Policy
Enrolment Policy

RELATED LEGISLATION

Charter of Human Rights and Responsibilities 2006
Freedom of Information Act 1982
Privacy and Data Protection Act 2014
Public Interest Disclosures Act 2012

RELATED STANDARDS

Standard 6 RTO Standards
2.7, 2.8 and 4.4 revised RTO Standards

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APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Executive Officer
Advisory Board to Approval Authority	Board of Management
Administrator	Training Manager
Next Review Date	October 2025

Approval and Amendment History	Details
Original Approval Authority and Date	8/10/2024 Board of Management
Amendment Authority and Date	21/11/2021 V1 new policy created to consolidate original Complaints Policy and Appeals Policy, and include timelines and responsible parties, based on feedback from external auditor. Never reviewed/approved by BOM. 08/10/2024 V1.1 minor wording changes, addition of related legislation, related documents and related policies. Reviewed and Approved by Board of Management.
Notes	