

# Complaints and appeals

## VET policies and procedures

School RTO approval statement					
<b>School RTO name</b>	Emerald State School				
<b>Policy start date</b>	23/3/19	<b>QCAA school number</b>	437	<b>National provider number</b>	30383
<p><b>The Principal as Chief Executive Officer (CEO) approves:</b></p> <ul style="list-style-type: none"> <li>• the policy, procedure and implementation requirements</li> <li>• all identified attachments to this policy and procedure</li> <li>• all modifications to the policy and procedure prior to implementation</li> <li>• the delegated Registered Training Organisation (RTO) officer/s to implement the policy and procedure</li> <li>• the allocation of time to ensure delegated officers carry out all components within the prescribed timelines and dates of all activities outlined in the quality calendar detailed through this policy and procedure</li> <li>• the RTO Manager monitoring, evaluating and reviewing the application of this policy and procedure to ensure compliance at all times</li> <li>• QCAA analysing these documents when conducting audits</li> <li>• that email addresses provide the same acknowledgment as a signature.</li> </ul>					
RTO Manager			Principal		
<b>Name</b>	Annette Carter		<b>Name</b>	Sean Maher	
<b>Email</b>	acart163@ed.edu.au		<b>Email</b>	smahe19@eq.edu.au	
<b>Date</b>	23/03/2019		<b>Date</b>	23/03/2019	
All additional delegated officers (add additional places to this table as required)					
<b>Delegated officer</b>			<b>Delegated officer</b>		
<b>Email</b>			<b>Email</b>		
<b>Date</b>			<b>Date</b>	Click or tap to enter a date.	

# Section 1 Policy and procedure

Section 1 of this policy and procedure sets out how the RTO addresses a complaint or appeal it receives relating to its officers, students or third parties providing services on behalf of the school RTO.

**Relevant Standards:** 2.2(b), 5.2(d), (i), 6.1–6.5

## Complaints

Complaints policy and procedure			
Policy	Inform	Act	Record and review
<ul style="list-style-type: none"> <li>Complaints received by the RTO will be acknowledged in writing and finalised as soon as practicable.</li> <li>Complaints can involve the conduct of the RTO's officers, students or third-party service providers of the RTO.</li> <li>Any RTO officer may receive a complaint verbally, in writing or electronically.</li> <li>The RTO identifies two types of complaints:               <ul style="list-style-type: none"> <li>type 1: allegations of inappropriate behaviour and/or child protection. These allegations are processed according to the RTO's complaints policy and procedure</li> <li>type 2: all other complaints.</li> </ul> </li> <li>Without limiting the action in type 1 complaints, this complaints policy is publicly available and upholds the principles of natural justice and procedural fairness.</li> <li>A review of the issues that triggered the complaint is undertaken. The review aims to identify corrective actions that will eliminate or mitigate the likelihood of a similar complaint occurring in the future.</li> <li>Records of complaints are securely retained and registered in the RTO's <i>Complaints and appeals register</i>.</li> </ul>	<ul style="list-style-type: none"> <li>On receipt of a complaint, the delegated RTO Complaints officer:               <ul style="list-style-type: none"> <li>provides written acknowledgment to the complainant</li> <li>informs both the complainant and the respondent of their right to be assisted by a support person or representative throughout the complaint process</li> <li>communicates on the progress of the proceedings to the complainant and the respondent throughout the complaint process</li> <li>if the complaint relates to the conduct of a third-party service provider, the Complaints officer informs the third party on receipt of the complaint and communicates progress on the proceedings with the third party.</li> </ul> </li> <li>All communication by the RTO complies with the RTO's privacy policy and personal information management.</li> </ul>	<ul style="list-style-type: none"> <li>The RTO officer receiving the complaint forwards it to the RTO Complaints officer (unless it relates to the Complaints officer, in which case it is forwarded to the Principal).</li> <li>For type 1 complaints, the Complaints officer follows the school's complaints policy and procedure in accordance with the student protection policy.</li> <li>For type 2 complaints, the Complaints officer:               <ul style="list-style-type: none"> <li>organises a mediation process that is non-threatening to the complainant</li> <li>establishes a review by an appropriate party independent of the RTO if mediation has not resolved the complaint</li> <li>refers the complainant to the QCAA website for further information about complaint processes if the complainant is still not satisfied.</li> </ul> </li> <li>Students are informed that they may lodge a complaint to QCAA only after exhausting this complaints and appeals policy and procedure.</li> </ul>	<ul style="list-style-type: none"> <li>The Complaints officer:               <ul style="list-style-type: none"> <li>establishes a written record for each complaint received</li> <li>updates the record throughout the complaint process.</li> </ul> </li> <li>The RTO Manager:               <ul style="list-style-type: none"> <li>registers the complaint in the RTO's <i>Complaints and appeals register</i></li> <li>securely retains all complaint records</li> <li>reviews each complaint process to identify corrective action/s that eliminate or mitigate the likelihood of reoccurrence</li> <li>ensures corrective actions are implemented including those actions impacting on any third-party arrangements.</li> </ul> </li> </ul>

## Complaints policy and procedure

### Requirements for processing complaints

Complaints	Forwarding complaints	Timeframe	Impacting policies and procedures
<ul style="list-style-type: none"> <li>The receiving RTO officer informs the complainant that an appropriate delegated RTO officer will contact them regarding the complaint.</li> <li>Whenever applicable, the receiving RTO officer ensures that the safety of the complainant is maintained.</li> </ul>	<ul style="list-style-type: none"> <li>For type 1 complaints, the receiving RTO officer immediately commences to implement the school's complaints or child protection policy.</li> <li>For all other complaints, the receiving officer forwards the complaint to the RTO's Complaints officer for processing (unless it relates to the Complaints officer, in which case it is forwarded to the Principal).</li> <li>The Complaints officer is responsible for ensuring a written record is established for all complaints received (unless it relates to the Complaints officer, in which case the Principal is responsible).</li> </ul>	<ul style="list-style-type: none"> <li>The Complaints officer finalises complaints within 60 calendar days.</li> <li>If more than 60 days are required, the complainant and respondent are informed in writing of the reasons for the need to extend the time required to finalise the complaint.</li> </ul>	<p>Policies that must be considered in conjunction with this policy and procedure include the school's:</p> <ul style="list-style-type: none"> <li>privacy policy</li> <li>student protection policy.</li> </ul>

## Appeals

Appeals policy and procedure				
Policy	Inform	Act	Record	Review
<ul style="list-style-type: none"> <li>• All appeals received by the RTO will be acknowledged in writing and finalised as soon as practicable.</li> <li>• Two types of appeal may be lodged:               <ul style="list-style-type: none"> <li>– appeal of final assessment decision</li> <li>– appeal of any other RTO decision.</li> </ul> </li> <li>• This policy is publicly available and upholds the principles of natural justice and procedural fairness.</li> <li>• A record of each appeal process is reviewed to identify and implement corrective actions that aim to eliminate or mitigate the likelihood of reoccurrence.</li> <li>• Records of appeals are securely retained and registered in the RTO's <i>Complaints and appeals register</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• The RTO Manager provides written acknowledgment to the appellant.</li> <li>• On receipt of an appeal, the RTO Manager informs a third party of the appeal if the appeal relates to a decision made by an employee of the third party.</li> <li>• The RTO Manager communicates the progression of the appeal to all parties throughout the appeals process.</li> </ul>	<ul style="list-style-type: none"> <li>• When appealing final assessment decisions, the RTO Manager actions the following process:               <ul style="list-style-type: none"> <li>– appellant's trainer/assessor reviews the decision</li> <li>– if the appellant is not satisfied, an independent trainer/assessor reviews the assessment decision</li> <li>– if the appellant is still not satisfied, the RTO Manager refers the appellant to the RTO's complaints policy and procedure.</li> </ul> </li> <li>• For all other appeals:               <ul style="list-style-type: none"> <li>– the RTO Manager reviews the original decision</li> <li>– if the appellant is not satisfied, an appropriate independent party reviews the RTO's decision</li> <li>– if the appellant is still not satisfied, the RTO Manager refers the appellant to the RTO's complaints policy and procedure.</li> </ul> </li> </ul>	<p>The RTO Manager:</p> <ul style="list-style-type: none"> <li>• establishes a written record for each appeal received</li> <li>• updates the record throughout the appeal process</li> <li>• registers the appeal in the RTO's <i>Complaints and appeals register</i></li> <li>• securely retains all appeal records.</li> </ul>	<p>The RTO Manager:</p> <ul style="list-style-type: none"> <li>• reviews each appeal process to identify corrective actions that eliminate or mitigate the likelihood of reoccurrence</li> <li>• ensures corrective actions are implemented including those actions impacting on any third party arrangements.</li> </ul>

## Requirements for processing appeals

Appeals	Forwarding appeals	Timeframe	Assessment result appeals
<p>Appeals must be submitted to the RTO in writing using the RTO's Appeal form.</p>	<p>If the appeal relates to a decision made by the RTO Manager, the appeal is forwarded to the Principal for actioning.</p>	<ul style="list-style-type: none"> <li>• The RTO Manager finalises appeals within 60 calendar days.</li> <li>• If more than 60 days are required, the appellant is informed in writing of the reasons for the need to extend the time required to finalise the appeal.</li> </ul>	<p>For assessment results appeals, the RTO Manager ensures the appeals process is informed by the:</p> <ul style="list-style-type: none"> <li>• assessment requirements of the relevant training package or accredited course</li> <li>• Principles of Assessment</li> <li>• Rules of Evidence.</li> </ul>

# Section 2 Complaints and appeals checklist

The delegated RTO Complaints officer or the RTO Manager completes this checklist when the complaints and appeals policy requirements have been met.

If 'No' is checked against any condition, report to the RTO Manager and do not proceed.

Complaints and appeals register	N/A	Yes	No
<b>Record</b>			
The RTO Manager has established and maintains a secure <i>Complaints and appeals register</i> .		<input type="checkbox"/>	<input type="checkbox"/>
<b>Complaints record and written acknowledgment</b>			
The RTO's Complaints officer has given written acknowledgment of receipt of the complaint to the complainant.		<input type="checkbox"/>	<input type="checkbox"/>
The Complaints officer has established a written record in the <i>Complaints and appeals register</i> .		<input type="checkbox"/>	<input type="checkbox"/>
<b>Complaints actions</b>			
For type 1 complaints, the receiving RTO officer has immediately commenced implementing the school's child protection policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For type 2 complaints, the complaint has been forwarded to the RTO's Complaints officer (unless it relates to the Complaints officer, in which case it is forwarded to the Principal).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The RTO's Complaints officer has:			
<ul style="list-style-type: none"> <li>advised the complainant that they may be assisted by a support person or representative throughout the complaint process</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>notified the respondent of the receipt of a complaint relating to them and advised them that they may be assisted by a support person or representative throughout the complaint process</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>organised mediation after negotiating a mediation process that is acceptable to both the complainant and the respondent</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>maintained an auditable record of the complaint process and outcome/s</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>regularly updated the complainant and respondent of the progress throughout the complaints process.</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
If the complainant is not satisfied with the outcome/s of mediation, the Complaints officer has nominated an appropriate independent party to review the complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the complainant is still not satisfied with the outcome/s of the independent party review, the Principal has informed the complainant that all complaint process options need to be exhausted before the complaint can be reviewed by an external body or authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If all complaint review options have been actioned by the RTO, the Principal has referred the complainant to the QCAA website for further options for resolving the complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Complaints and appeals register</b>	<b>N/A</b>	<b>Yes</b>	<b>No</b>
The complainant and respondent have received in writing the final outcomes of the complaint process.		<input type="checkbox"/>	<input type="checkbox"/>
The RTO Manager who reviewed the complaints process has:			
• identified potential causes		<input type="checkbox"/>	<input type="checkbox"/>
• taken appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Complaints process timeframe</b>			
The complaints process has been completed within a 60 calendar day period.		<input type="checkbox"/>	<input type="checkbox"/>
If not, the complainant and respondent have received, in writing, reasons why more than 60 days are required to finalise all matters relating to their complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <i>Complaints and appeals register</i> has been completed and the closed-out date recorded.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Retention of complaints and appeals record</b>			
The RTO Manager has ensured the secure retention of the <i>Complaints and appeals register</i> for archival records and audit purposes.		<input type="checkbox"/>	<input type="checkbox"/>

Appeals	N/A	Yes	No
<b>Appeals record and written acknowledgment</b>			
The RTO's delegated officer has given the appellant written acknowledgment of receipt of the appeal.		<input type="checkbox"/>	<input type="checkbox"/>
The delegated officer has established a written record in the <i>Complaints and appeals register</i> .		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeal actions for assessment outcome appeals</b>			
The RTO Manager has:			
• requested the appellant's trainer/assessor to review the assessment outcome		<input type="checkbox"/>	<input type="checkbox"/>
• organised an independent trainer/assessor to review the assessment outcome if the appellant is not satisfied with the initial review		<input type="checkbox"/>	<input type="checkbox"/>
• referred the appellant to the RTO's complaints policy for further possible options if they are still not satisfied with the outcome of the review		<input type="checkbox"/>	<input type="checkbox"/>
• maintained an auditable record of the appeal process and outcome/s		<input type="checkbox"/>	<input type="checkbox"/>
• regularly updated the appellant of the progress throughout the appeal process.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeal actions for all appeals other than assessment outcome appeals</b>			
The RTO Manager has:			
• reviewed the RTO's original decision		<input type="checkbox"/>	<input type="checkbox"/>
• organised an appropriate independent party to review the RTO's original decision		<input type="checkbox"/>	<input type="checkbox"/>
• referred the appellant to the RTO's complaints policy for further possible options if they are still not satisfied with the outcome of the review		<input type="checkbox"/>	<input type="checkbox"/>
• maintained an auditable record of the appeal process and outcome/s		<input type="checkbox"/>	<input type="checkbox"/>
• regularly updated the appellant of the progress throughout the appeal process.		<input type="checkbox"/>	<input type="checkbox"/>
The appellant has received in writing the final outcome/s of the appeal process.		<input type="checkbox"/>	<input type="checkbox"/>
The RTO Manager has reviewed the appeals process to:			
• identify potential causes		<input type="checkbox"/>	<input type="checkbox"/>
• take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeals process timeframe</b>			
The appeal process has been completed within a 60 calendar day period.		<input type="checkbox"/>	<input type="checkbox"/>
If not, the appellant has received, in writing, reasons why more than 60 days are required to finalise all matters relating to their appeal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <i>Complaints and appeals register</i> has been completed and the closed-out date recorded.		<input type="checkbox"/>	<input type="checkbox"/>



## Section 3 Systematic monitoring

Completing Section 3 satisfies the requirement of the Standard for systematic monitoring.

The RTO Manager will record the dates when monitoring activities occur, the outcomes of the monitoring process and any rectifications required to ensure ongoing compliance.

A 'No' indicates a non-compliance and must be reported to the RTO Manager. Appropriate rectification must be recorded and actioned.

**Relevant Standards:** 2.1, 2.2

Systematic compliance monitoring checklist	
Date of successive monitoring activities	Name of person/s conducting successive monitoring activities
[Date]	
[Date]	
[Date]	
[Date]	

Monitoring the application of this policy and procedure by the RTO	Record of last monitoring		
	Yes	No	
<b>School RTO approval statement</b> (Page 1 of this document)	The following details are current and complete:		
	• school RTO name	<input type="checkbox"/>	<input type="checkbox"/>
	• the policy and procedure document is dated (start date)	<input type="checkbox"/>	<input type="checkbox"/>
	• QCAA school number	<input type="checkbox"/>	<input type="checkbox"/>
	• national provider number	<input type="checkbox"/>	<input type="checkbox"/>
	• Principal's name and contact details	<input type="checkbox"/>	<input type="checkbox"/>
	• RTO Manager's name and contact details	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy and procedure</b> (Section 1 of this document)	Complaints and appeals policy represents current practice.	<input type="checkbox"/>	<input type="checkbox"/>
	Complaints and appeals procedures represent current practice.	<input type="checkbox"/>	<input type="checkbox"/>
	Complaints and appeals requirements for processing represent current practice.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Complaints and appeals checklist</b> (Section 2 of this document)	Complaints and appeals checklist is used to ensure:		
• complaints and appeals processes are followed	<input type="checkbox"/>	<input type="checkbox"/>	
• records are complete.			

Monitoring the application of this policy and procedure by the RTO		Record of last monitoring	
		Yes	No
<b>Register of complaints and appeals template</b>	Current approved register of complaints and appeals template is attached or linked to this document.	<input type="checkbox"/>	<input type="checkbox"/>

RTO Manager notes	
<b>Comment on the last monitoring activity</b>	
<b>List any non-compliances</b>	
<b>List any rectifications</b>	

## Section 4 Explanation of terms

This policy and procedure contains words and expressions which have specific meaning.

Glossary	
Term	Meaning
<b>Appeal</b>	Is a request made by a student or stakeholder of the RTO to review or reconsider a decision made by an RTO officer or a third party providing services on behalf of the RTO.
<b>Appellant</b>	Someone appealing a decision of the school RTO.
<b>Appropriate independent party</b>	Is a person or persons independent of the RTO accepted as independent by both the complainant/appellant and the RTO and who holds expertise relevant to the complaint/appeal.
<b>Child/student protection</b>	<p>A child in need of protection, as defined in s.10 of the <i>Child Protection Act 1999</i> (Qld), is a child who:</p> <ul style="list-style-type: none"> <li>• has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and</li> <li>• may not have a parent able and willing to protect the child from the harm.</li> </ul> <p>Refer to individual Sector websites.</p>
<b>Complainant</b>	Any stakeholder who makes a complaint to the school RTO directly or through a third party nominated by the complainant.
<b>Complaint</b>	An objection to something that is considered by the complainant to be unfair and/or unacceptable. A complaint can be made verbally or in writing. Complaints include allegations.
<b>Delegated RTO Complaints officer</b>	Also referred to as the Complaints officer. A person delegated by the Principal to ensure the process followed in addressing complaints received by the RTO complies with this policy and procedure.
<b>Evaluate</b>	Assess the findings of the monitoring to determine if the complaints and appeals process is being followed and adhered to.
<b>Mediation</b>	The structured process in which an independent person, known as a mediator, assists the complainant/appellant and the respondent to identify the issue/s of concern and negotiate an outcome acceptable to both. The mediator must ensure at all times that the complainant/appellant does not feel threatened or at risk.
<b>Monitor</b>	The ongoing process of regularly collecting and analysing relevant information to determine if the requirements for handling complaints and appeals is being met.
<b>Natural justice</b>	The rule against bias and the right to a fair hearing. That is, a duty to act fairly and reasonably.
<b>Procedural fairness</b>	<ol style="list-style-type: none"> <li>1. Procedural fairness relating to complaints and non-assessment appeals is concerned with the procedures used by a decision-maker rather than the outcome reached. It is considered that a decision-maker who follows a fair procedure will reach a fair and correct decision.</li> <li>2. Procedural fairness relating to assessment appeals ensures the review process complies with the principles of assessment and rules of evidence outlined in the Standards.</li> </ol>

<b>Record</b>	A securely maintained written, printed, or electronic document outlining a complaint or appeal and the outcomes resulting from the application of this policy and procedure.
<b>Respondent</b>	Someone subjected to a complaint or appeal. OR the person against whom a complaint or appeal is brought.
<b>Review</b>	Changes are made to practices or the agreement to ensure quality services are being delivered and meet the needs of the students.
<b>Stakeholder</b>	Anybody who can affect or is affected by the school RTO. They can be internal (students, parents/carers, employees, volunteers and third parties delivering services on behalf of the RTO) or external.
<b>Standards</b>	The current NVR Standards for Registered Training Organisations (RTOs).
<b>Systematic monitoring</b>	The process of collecting, analysing and using information to track progress towards maintaining compliance and consistency across the RTO's operations.
<b>Timeframe</b>	Number of calendar days between the receipt date of the complaint or appeal and the finalisation date of the review process. This timeframe should not exceed 60 calendar days. Refer to this policy and procedure for the process to be followed if this timeframe is not likely to be met.