

# 010 Complaints & Appeals Policy

## 1. Policy Objective

The objective of the *Complaints & Appeals* Policy and Procedure for Eureka4WD Training (Eureka), Registered Training Organisation (RTO No. 52488) is to ensure that the RTO's *Complaints & Appeals* process meets the standards for RTO's 2015, RTO and Vocational Education and Training (VET) requirements and ensures a learner focussed approach to our services.

This Policy and Procedure supports the Standards for RTO's 2015:

- ▶ Standard 6

## 2. Policy

This policy and its related procedures has been developed to ensure that Nationally Recognised Training (NRT) and accredited courses on Eureka scope of registration are delivered and assessed in accordance with the VET Quality Framework and are designed, developed and executed to the highest possible standards so as to benefit all learners. Eureka shall ensure that the delivery and assessment of NRT, including *Complaints and Appeals*, complies with all aspects of the VET Quality Framework.

## 3. Scope

This policy is implemented to ensure all staff and learners are aware of their right to appeal and/or make a complaint against any decision or fact that has affected their study experience at our RTO.

This policy outlines the RTOs approach to managing complaints and appeals and ensures all stakeholders are aware of the steps to take to have their dissatisfaction addressed appropriately.

The policy provides an avenue for all complaints to be addressed in a fair, efficient and confidential manner. The RTO will manage and respond to the following allegations involving:

- **The RTO**
- **A third party providing services on behalf of the RTO**
- **RTO staff**
- **A learner of the RTO**

We are committed to ensure all staff and learners are provided with the best possible environment in which to work and study. Despite all efforts of the RTO to provide satisfactory services to its learners, complaints may occasionally arise which require formal resolution. The following procedures provide learners the opportunity to have any issues relating to a substantiated complaint or appeal received and resolution reached, that attempt to satisfy all parties involved. This complaint and appeals process is at no cost to the learner.

We assure all learners that our RTO will handle any form of dissatisfaction fairly, effectively and efficiently. Any learner who is not satisfied with the outcome of their training may make an appeal.

The complaints and appeals policy shall ensure that all complaints are dealt with in a constructive and timely manner. All complaints and appeals shall be reported in the management meetings detailing the actions required to arrive at a satisfactory resolve of each complaint and grievance.

## 4. Definition

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Version Number: 2	Location: Standard 6		
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*Complaint* is defined as any act or commission that a customer or potential customer of our RTO believes to be unfair or discriminatory and relates to any RTO activity. It can include complaints related to academic or non-academic matters.

*Appeal* is defined as a request to review a decision that has been previously made.

## 5. Procedures

Eureka RTO will manage its complaints and appeals procedure by:

- Actively encouraging the learner to discuss any grievance with their Trainer and Assessor.
- Providing an easily accessible means of lodging complaints and appeals.
- Providing acknowledgement to the learner of the lodgement of a complaint or appeal.
- Investigating the complaint or appeal within the specified timeframes.
- Communicating the outcome of the complaint or appeal within the specified timeframes.
- Securely maintaining records of all complaints and appeals and their outcomes.
- Identifying potential causes of complaints and appeals and takes the appropriate action to eliminate the potential for further occurrences.
- Informing the complainant about the National Training Complaints Hotline NTCH@education.gov.au if the complaint or appeal is unresolved.

### Stage 1 – Informal complaint process

- Complaint is made to one of our RTO staff members.
- Complaint is recorded and emailed to our RTO Compliance and Training Managers.
- Complaint is recorded in the *Complaints Register* by the Compliance Manager.
- Training Manager or Education Co-ordinator sends out *Complaint Form* to the complainant (should they wish to complete).
- Training Manager seeks feedback from party whom the complaint was made against.
- Compliance Manager follows up with the complainant within **5 working days** of receiving complaint.
- If the matter is unresolved, an internal investigation of the complaint is initiated by the relevant manager in consultation with the Director.
- The outcome of the investigation will either be a resolution of the complaint or initiation of a formal complaint process.
- Should the matter be resolved the complainant is provided with a written statement of the outcome which outlines the details of the decision. The written statement will be provided within **10 working days** by the relevant manager.

### Stage 2 – Formal complaint process

- Written complaint is received by an RTO staff member.
- Complaint referred to the RTO Compliance Manager (CM).
- The CM will acknowledge the complaint within **5 working days** of receipt.
- The CM or independent staff member will investigate the complaint and liaise with all parties involved.
- The complainant and staff member are provided with a written statement of outcome outlining the details of the decision, the written statement of outcomes will be provided within **10 working days**.
- If the matter is resolved, written acknowledgment is provided to all parties.
- If the matter is unresolved it will be referred to the (Director) for review.

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- The complainant is provided with a written statement of the final outcome which outlines the details of the decision. The written statement will be provided within **15 working days** by the Director or his representative.
- If required to attend a formal meeting/mediation session, the complainant may be accompanied at the meeting by a representative.

If the Complainant is still dissatisfied with the decision they may lodge an external complaint via Complaints Hotline NTCH@education.gov.au.

All matters will be concluded within 60 calendar days and registered in the RTO *Complaints Register*.

## 6. Confidentiality

Aggrieved persons' details and the nature of their appeal or complaint will be kept confidential at all times. The complaints register is under the responsibility of the CM with no other access by staff.

## 7. Appeals on Assessment

Information regarding the appeals process - Many decisions that affect a student's rights or expectations have an appeal process if the decision is adverse for the student. If a student does not agree with the decision that was made regarding their competency in any unit that they have completed and been assessed against, they have the right to appeal the decision.

To appeal a decision students are required to submit an application in writing **no more than 5 days** after the assessment decision has been made. Appeals will be heard by a panel comprised of qualified trainers and assessors. If the student's appeal is successful they will be given the choice of having their original assessment re-assessed or presented for reassessment.

All students are to be aware of the appeals process and their right to appeal at induction – it is the RTO's responsibility that students are aware of their rights. This information is also supplied to students prior to enrolment via the Student Handbook and at face-to-face induction into any 4WD course or traineeship.

### Actions

Appeals **must** be treated by all Parties as strictly confidential. This means that information about the Appeal shall only be discussed with, or made available to, a person who:

1. is a Party to the Appeal;
2. is or has been legitimately involved in the management of that Appeal; or
3. has a formal management role in following up the consequences or implications of the Appeal.

Witnesses, support persons or any other observers must refrain from discussing the Appeal with each other or with the parties unless those discussions are in accordance with the management of the Appeal. Parties must be aware of the consequences if there is a breach of confidentiality. These consequences include disciplinary action. Appeals are to be dealt with in accordance with the 4WD [Student Privacy and Confidentiality Policy](#).

The 4WD Staff member with responsibility for notifying the RTO Owner of any decisions shall ensure that the student is also notified about his or her right of Appeal and the applicable process.

All appeal applications are to be:

- logged and monitored on the [Appeals Register](#)

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- scanned to the student record (PowerPro) and
- paper copies are to be kept in the Appeals file, located in the RTO Owners office.

## Process

### 1. Stage 1:

- If the student is dissatisfied with the assessment process and / or assessment decision they are required to discuss the decision and options with their 4WD assessor so the assessor is given the opportunity to fully understand the reason(s) for the appeal
- Following their discussion, the assessor may decide to reassess the evidence provided by the student, and/or moderate their assessment decision with another 4WD assessor. Where relevant, the assessor will advise the student of the outcome of any moderation and re-assessment they have undertaken. Notes should be kept on the *Record of Conversation form*; all documentation should be forwarded to the RTO Owner for processing

### 2. Stage 2:

If the matter is not resolved following discussion with the student/assessor, they should then be advised to formalise their appeal by completing an *Appeals Application Form*. This form can be emailed to the student or printed and mailed to the student. The form should be completed and returned **no more than one month** from the assessment date. This paperwork should be forwarded to the RTO Owner

The RTO Owner will then acknowledge the receipt of the appeal within 5 working days of receipt, and will begin an investigation. The investigation may include:

- Speaking with the student about the assessment decision and giving them the opportunity to formally present their case
- Discussing the assessment decision with the 4WD assessor who made the decision
- If necessary, seeking the advice of an external assessor

The RTO Owner will advise the student in writing of the outcome of the investigation within 21 days of receiving the appeal in writing. Should the matter be resolved to the student's satisfaction, the RTO Owner may request they sign a statement describing the agreed outcome of the appeal

3. Stage 3: If the student is not satisfied with the outcome of the investigation, they should then refer the matter to the Australian Skills Quality Council (ASQA) complaints team. Details about how to lodge a complaint with ASQA can be obtained from [the ASQA website](#).

Date	Version	Amended by:	Notes
Feb 2015	1.0	Eureka 4WD Training	Policy created
Feb 2017	1.1	Tanja Van Haght	Updated to ensure compliance with RTO Standards, version control table added
March 2019	2	Eureka	Complete re-development of information to include requirements for RTO standards 2015 including specific timelines and persons aggrieved <b>The RTO, A third party providing services on behalf of the RTO RTO staff, A learner of the RTO</b> , rebranding, version control and document registered

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