

POLICY: Complaints and Appeals

1. CONTEXT

The VET Quality Framework is aimed at achieving greater national consistency in the way providers are registered and monitored and in how standards in the vocational education training sector are enforced.

Red Cross Training Services, as a Registered Training Organisation, must comply with the VET Quality Framework.

The VET Quality Framework comprises of:

- a) the Standards for Registered Training Organisations 2015;
- b) the Australian Qualifications Framework;
- c) the Fit and Proper Person Requirements;
- d) the Financial Viability Risk Assessment Requirements;
- e) the Data Provision Requirements.

This Policy should be read in conjunction with the NVR Standards for Registered Training Organisations 2015:

- SRTO 6 Clause 6.1 requires Australian Red Cross Training Services to have a complaints policy to manage and respond to allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff
 - a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
 - a learner of the RTO.
- SRTO 6 Clause 6.2 requires Australian Red Cross Training Services to have an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.
- SRTO 6 Clause 6.3 requires that Australian Red Cross Training Services' complaints and appeals policy:
 - ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - is publicly available
 - sets out the procedure for making a complaint or requesting an appeal
 - ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
 - provides for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- SRTO 6 Clause 6.4 requires that Australian Red Cross Training Services will, if more than 60 calendar days are required to process and finalise the complaint or appeal:
 - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
 - regularly update the complainant or appellant on the progress of the matter.

- SRTO 6 Clause 6.5 requires that Australian Red Cross Training Services will:
 - securely maintain records of all complaints and appeals and their outcomes, and
 - identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

2. SCOPE

This policy applies to all Australian Red Cross Training Services stakeholders.

3. DEFINITIONS

Appeal	Means a request to review a decision that has been previously made. Appeals can be made for any part of a client's involvement with Australian Red Cross Training Services.
Complaint	Means a stakeholder's expression of dissatisfaction with any service provided by Australian Red Cross Training Services.
NVR	National VET Regulator
SRTO	Standards for Registered Training Organisations 2015

4. STATEMENT OF POLICY

4.1 Complaints and appeals system

- 4.1.1 Australian Red Cross Training Services will endeavour to provide satisfactory services to all its stakeholders during their course of their interaction with the Training Department.
- 4.1.2 Despite all efforts of Australian Red Cross Training Services to provide satisfactory services to its stakeholders, complaints may arise requiring formal resolution.
- 4.1.3 Australian Red Cross Training Services is committed to developing and maintaining an effective, timely, fair and equitable complaints and appeals system which is easily accessible and offered to complainants and appellants at no charge. Australian Red Cross Training Services ensures:
- (i) a culture that views complaints and appeals as an opportunity to improve the organisation and how it works;
 - (ii) a complaints and appeals system that is client focused and helps Australian Red Cross Training Services to prevent these events from recurring;
 - (iii) complaints and appeals are resolved promptly, objectively, with sensitivity and in complete confidentiality;
 - (iv) that the views of each complainant, appellant and respondent are respected and that any party to complaint or appeal is not discriminated against nor victimised;
 - (v) that there is a consistent response to complaints and appeals;
 - (vi) that students are fully informed of their right to lodge a complaint or appeal; and
 - (vii) person(s) responsible for investigating the complaint will not be the subject of the complaint or appeal.
- 4.1.4 All formal complaints, appeals and their outcomes will be recorded in the Complaints & Appeals Register. In addition, the register will be regularly reviewed by the National Quality Team and used as an opportunity for improvement and reflection.

4.2 Nature of complaints and appeals

4.2.1 Complaints and appeals may be made in relation to any of Australian Red Cross Training Services activities and decisions such as:

- (i) the application or enrolment process and decision;
- (ii) the quality of education provided, including access or lack of access to resources and facilities;
- (iii) the content or structure of a course and its delivery;
- (iv) training and assessment matters, including student progress, assessment (see 4.3), curriculum and awards;
- (v) access to personal records;
- (vi) decisions made by Australian Red Cross Training Services.;
- (vii) unethical practices or criminal behaviour undertaken by a Australian Red Cross Training Services staff member or student; and
- (viii) allegations by staff or students of harassment, bullying or discrimination.

4.3 Assessment appeals

4.3.1 Students have the right to make an appeal against the academic decisions made by Australian Red Cross Training Services.

4.3.2 Grounds for appeal against an assessment decision may only be made on limited grounds:

- (i) the student was not provided with a sufficient course outline explaining the assessment process;
- (ii) the assessment process was not carried out inline with the course outline provided to the student;
- (iii) the student's needs (e.g. LLN issues, disability) were not taken into consideration where appropriate;
- (iv) the assessment process did not meet the requirements of the relevant training package;
- (v) the student genuinely believes there has been an administrative error in the calculation of their assessment mark;
- (vi) alleged bias or incompetence of the trainer/assessor; and
- (vii) faulty or inappropriate equipment or facilities provided to undertake the assessment.

4.4 Resolving issues before they become a complaint

4.4.1 Students, clients and Australian Red Cross Training Services staff are encouraged, wherever possible; to resolve concerns or difficulties directly with the person(s) concerned to deal with the issue before it becomes a formal complaint. Australian Red Cross Training Services staff will be available to assist complainants resolve their issues at this level.

4.5 Lodging complaints and appeals

4.5.1 All formal complaints, internal appeals and assessment appeals are made to the respective regional Australian Red Cross Training Services office.

4.5.2 The complaint or appeal will generally be assigned to the relevant person as follows:

- (i) Initial complaint forwarded to General Manager National Quality and Curriculum then delegated to the relevant manager depending on the severity of the complaint;
- (ii) National Training Manager;
- (iii) National VET Manager;
- (iv) Director Commercial Operation and HR may also be involved depending on the issue.

4.5.3 All parties are encouraged to approach matters with an open view and attempt to resolve problems through discussion and conciliation. Australian Red Cross Training Services acknowledges the need for an appropriate independent party to mediate where an appropriate outcome cannot be reached internally.

4.5.4 Appeals must be made within ten (10) working days of the original decision having been made.

4.6 Resolution timeframes

4.6.1 All formal complaints and appeals will be responded to efficiently to ensure an effective resolution within a reasonable timeframe.

4.6.2 Australian Red Cross Training Services will acknowledge receipt of formal complaints and appeals to the complainant/appellant within two (2) working days upon receive such a complaint or appeal.

4.6.3 Australian Red Cross Training Services will endeavour to resolve formal internal complaints and appeals within twenty (20) working days or as soon as practicable upon receipt of the formal complaint or appeal. However in some cases, particularly if the matter is complex, the resolution may take longer, in which case, complainants and appellants will be advised of an extended timeframe.

4.6.4 Australian Red Cross Training Services is unable to define a resolution timeframe where a matter has been taken before an external appeals process.

4.7 Enrolment status

4.7.1 Where a student chooses to access this policy, Australian Red Cross Training Services will maintain the student's enrolment while the internal complaints and appeals process is ongoing.

4.7.2 Where the student chooses to access this policy, and the matter has been taken before an external appeals process, Australian Red Cross Training Services is not obliged to maintain the student's enrolment during the external appeals process.

4.8 Continuous improvement cycle

4.8.1 Where the complaint or appeal is identified as an area for improvement, Australian Red Cross Training Services will link the complaint or appeal to the continuous improvement cycle and action according to *COMPOL46 Continuous Improvement Policy*.

4.9 Record keeping and confidentiality

- 4.9.1 A written record of all complaints, appeals and outcomes handled under this policy shall be maintained for a period of two (2) years to allow all parties to the complaint or appeal appropriate access to those records.

4.10 Non-limitation of policy

- 4.10.1 This policy and the related procedures do not replace or modify those or any other responsibilities which may arise under policies or under statute or any other law. Nothing in this policy and the related procedures limits the rights of the individuals to take action under Australia's Consumer Protection laws.

- 4.10.2 This policy does not circumscribe an individual's rights to pursue other legal remedies.

POLICY ADVISOR

- National Quality and Compliance Coordinator

RELATED POLICIES AND LEGISLATION

- COMPOL47 Internal Audit Policy
- COMPOL46 Continuous Improvement Policy
- COMPOL49 Records Management Policy
- EXPOL43 Client Feedback and Evaluation Policy
- Other: Various funding contracts

PUBLISHING DETAILS

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POLICY HISTORY

Version	Version Approval Date	Approver	Summary of Changes
3.2	23/07/2015	National Quality Manager	Update to 4.5.2 line of communication in handling complaints
3.1	22 May 2015	National Quality Manager	New format. Amended policy to reflect new ASQA standards , reviewed for currency
3.0	16 January 2015	National Quality Manager	Updated to new SNRs
2.1	16 July 2014	National Quality and Compliance Coordinator	New logo - rebranding
2.0	25 September 2013	National Quality Manager	New format. Amended policy and procedures.
1.1	24 August 2012	GM National Quality	Amended policy and procedures.
1.0	17 February 2012	GM National Quality	New policy