

Kingston State College

Policy and Procedure

Complaints and Appeals

Relevant clauses: 1.13 – 1.20

1. Policy

Complaints and appeals are managed by the RTO in a fair, efficient and effective manner. The RTO will create an environment where learners' views are valued. This policy and procedure will be made publicly to the School Name community by being made available on the RTO's intranet and in materials provided to learners on commencement of enrolment. In the case of delivery through third parties, the material will be made available to the learners through the third party.

Kingston State College ensures that all complaints and appeals will be heard and adhere to the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. Resolutions will be reached within 60 calendar days where possible. In the case of the time frame being longer than this, the RTO will communicate with the Complainant/appellant why the process is taking longer and an estimated timeframe for resolution as well as being kept informed regarding ongoing progress.

Details of all complaints and appeals will be securely maintained in a Register of Complaints and Appeals and will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The Chief Executive Officer (Principal) is responsible for ensuring the RTO adheres to the Complaints and Appeals Policy and Procedure.

Note: If a complaint is reporting information related to the safety of a student, refer to the Kingston State College overall Student Protection information.

2. Scope

This policy and procedure covers:

- The RTO, its trainers, assessors or other staff;
- A third party providing services on the RTO's behalf, its trainers, assessors or other staff; and
- A learner of the RTO.

Complaints may be made regarding the conduct of the above parties, and appeals may be made for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf. Complaints can be made to any member of staff, and appeals can be made through the Trainer and Assessor, Head of Department or RTO Manager.

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3. Definitions

Standards for Registered Training Organisations (RTOs) 2015 is a set of nationally agreed quality assurance arrangements for training and assessment services delivered by Registered Training Organisations (RTOs).

4. Roles and responsibilities

The *Chief Executive Officer* (Principal) is responsible for:

- approving and ensuring the correct implementation of this policy and related procedures;
- delegating the responsibility of receiving and recording of complaints and appeals to the RTO Manager;
- participating in the complaint and appeal process as chair of the panel; and
- appointing an independent third party to mediate in the case of the Complainant/appellant not being satisfied with the outcome.

The *RTO Manager* is responsible for:

- ensuring staff and learners are aware of this policy and procedure;
- receiving and recording all complaints and appeals on the secure Complaints and Appeals Register;
- providing the CEO with details of the complaint or appeal;
- meeting with the CEO to discuss and possibly decide on an outcome;
- coordinate and convene Complaints and Appeals Committee in instances where an outcome is not reached;
- notifying the Complainant/appellant in writing of the decision and recording this in the Complaints and Appeals Register;
- organising an independent third party to review the decision and mediate in instances where the Complainant/appellant is not satisfied with the outcome of the decision; and
- coordinating a meeting to review the policies, procedures and strategies to mitigate the risk of the complaint or appeal occurring in the future.

The *Head of Department* is responsible for:

- receiving complaints and/or appeals and providing the appropriate information to the RTO Manager; and
- participating in the complaints and appeals process as requested by the RTO Manager or CEO.

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The *Trainer and Assessor* is responsible for:

- receiving complaints and/or appeals and providing the appropriate information to the RTO Manager;
- participating in the complaints and appeals process as requested by the RTO Manager or CEO.

5. Procedures

Complaints

- Complaints can be addressed by any member of staff.
- Each complaint is to be recorded in writing by either the Complainant/appellant or member of staff.
- A secure Complaints and Appeals Register must be maintained at all times.
- **Information for the Complainant:**
 - The school RTO will act upon any verbal or written complaint received.
 - The Complainant may elect the support of a third party as the complaint progresses.
 - The RTO Manager will deal with all complaints that do not directly involve him/her. Other complaints will be assigned to a staff member elected by the Chief Executive Officer (Principal) for processing.
 - All complaints are logged in a Complaints and Appeals Register and with a complaints reference number. Details of persons who are the subject of a complaint remain confidential to documentation held within the complaints file being dealt with by the assigned staff member dealing with the complaint.
 - Procedures for making verbal and written complaints are outlined below.
- **On receipt of a verbal complaint:**
 - Should the nature of the complaint be one that is easily resolved, details of the complaint (e.g. the cause and resulting actions and decisions) are to be documented by the staff member receiving the complaint in the secure Complaints and Appeals Register. The Complainant will be required to sign the register to acknowledge that the details of the complaint are correct and resolved.
 - Should the nature of the complaint be one that is not easily resolved, the staff member receiving the complaint will document details of the complaint on the school RTO's written [Complaint and Appeals Form](#), which the Complainant will be required to sign and date as acknowledgement of the complaint being made.

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- The Complainant must be verbally informed that an appropriate member of staff will be assigned to dealing with the complaint and that they will be contacted by that person.
- Details of the complaint must be documented within the secure Complaints and Appeals Register.

- **On receipt of a written complaint:**

All complaints will be informed and/or addressed to any member of staff. This may be on a [Complaint and Appeals Form](#), or any other written form that includes the relevant information:

- The Complainant is entitled to receive support from a third party throughout the process and if this is the case then this needs to be recorded on the written complaint;
 - The information must be signed and dated, and then witnessed by the staff member receiving the complaint (sign and date);
- All complaints are then forwarded to the RTO Manager (unless the complaint is about the RTO Manager, in which case it will be forwarded to the Chief Executive Officer (Principal) or staff member assigned by the Chief Executive Officer (Principal));
 - On receipt of a complaint the RTO Manager shall record the complaints in the secure register, reply in writing to acknowledge receipt of the complaint, then inform the Chief Executive Officer (Principal);
 - The RTO Manager and the Chief Executive Officer (Principal) will meet to discuss the complaint and speak with any relevant staff or third parties involved, including when such staff or third parties are the subject of a complaint. They will then either make a decision or convene an independent panel to hear the complaint; this shall be the "Complaint and Appeal Committee" and will consist of members who have not been involved in the issue to this point. It will include the Chief Executive Officer (Principal), a member of staff and a representative of the School community;
 - Processes must follow the principles of natural justice and procedural fairness at every stage (these are clearly explained in this fact sheet https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf);
 - When a decision is reached this will be communicated in writing to the Complainant within 60 calendar days of the complaint being received as well as being recorded on the secure Complaints and Appeals Register;

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- If the decision will take longer than 60 calendar days the Complainant will be notified in writing of the reasons why a decision has not been reached and provide regular updates regarding the progress of the matter;
- The Complainant shall be given an opportunity to present their case to the committee and may be accompanied by one other person as support or as representation;
- The relevant staff member, third party or other learner shall be given an opportunity to present their case to the committee and may be accompanied by one other person as support or as representation;
- The Complaint and Appeal Committee will make a decision on the complaint;
- The Complaint and Appeal Committee will communicate its decision on the complaint to all parties in writing and this will be recorded in the secure Complaints and Appeals Register;
- If the Complainant is still not satisfied, the Chief Executive Officer (Principal) will appoint an independent third party (outside the RTO) to mediate with costs being communicated to all parties prior to commencement;
- If the Complainant is still not satisfied, the Chief Executive Officer (Principal) will refer them to the QCAA website for further information about making complaints (<https://www.qcaa.qld.edu.au/senior/vet/appeals-complaints-enforcement>);
- After the complaint is finalised the RTO Manager will organise a meeting of relevant parties to review the decision and outcome and evaluate the policies, procedures and strategies of the RTO in order to take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Appeals

In the case of a student wishing to appeal an assessment decision, the first step is to speak with the Trainer and Assessor. If the student is still not satisfied with the outcome they can submit an appeal.

- **On receipt of a verbal appeal:**
 - The staff member (e.g. Trainer and Assessor) receiving the appeal will document details of the appeal on the written [Complaint and Appeals Form](#), which the Appellant will be required to sign and date as acknowledgement of the appeal being made.
 - The Appellant must be verbally informed that a Head of Department or the RTO Manager will be assigned to dealing with the appeal and that the Appellant will be directly contacted by them.

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- Details of the appeal must be documented within the secure Complaints and Appeals Register.

- **On receipt of a written appeal:**

- All written appeals will be addressed to the Head of Department or RTO Manager. This may be on a [Complaint and Appeals Form](#), or any other written form that includes the relevant information:
- The Appellant is entitled to receive support from a third party throughout the process and if this is the case then this needs to be recorded on the written appeal;
- The information must be signed and dated, and then witnessed by the staff member receiving the appeal (sign and date);
- The Head of Department will ensure the appeal is forwarded to the RTO Manager to be recorded in the secure register, and the Head of Department will reply in writing to acknowledge receipt of the appeal;
- Processes must follow the principles of natural justice and procedural fairness at every stage (these are clearly explained in this fact sheet https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf);
- The RTO Manager, the Head of Department and the Trainer and Assessor will meet to discuss the appeal (and any other third parties that are relevant to the decision being made);
- The appellant shall be given an opportunity to present their case to the RTO Manager and Head of Department and may be accompanied by one other person as support or as representation;
- The relevant staff member shall be given an opportunity to present their case to the RTO Manager and Head of Department and may be accompanied by one other person as support or as representation;
- The RTO Manager will communicate its decision on the appeal to all parties in writing and this will be recorded in the secure Complaints and Appeals Register;
- When a decision is reached this will be communicated in writing to the appellant within 60 calendar days of the appeal being received as well as being recorded on the secure Complaints and Appeals Register;

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- If the decision will take longer than 60 calendar days the appellant will be notified in writing of the reasons why a decision has not been reached and provide regular updates regarding the progress of the matter;
- If the appellant is still not satisfied, the Chief Executive Officer (Principal) will appoint an independent third party (outside the RTO) to mediate with costs being communicated to all parties prior to commencement;
- If the appellant is still not satisfied, the Chief Executive Officer (Principal) will refer them to the QCAA website for further information about making complaints (<https://www.qcaa.qld.edu.au/senior/vet/appeals-complaints-enforcement>);
- After the appeal is finalised the RTO Manager will organise a meeting of relevant parties to review the decision and outcome and evaluate the policies, procedures and strategies of the RTO in order to take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

6. Records and documentation

[Complaints and Appeals Register](#)

[Complaints and Appeals Form](#)