



COMPLAINTS AND APPEALS POLICY

COMPLAINTS AND APPEALS POLICY

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Revision History			
Review Date	Reviewer Name	Review Reason	Outcome & Changes
December 2014	Bobbee McClymont	New ASQA Standards 2015	Added Clause 6.4 ASQA Standards 2015
April 2015	Bobbee	Standards for Registered Training Organisations (RTOs) 2015	Removed Australian Quality Training Framework 2010 Standards/ Added Standards for Registered Training Organisations (RTOs) 2015
April 2016	Bobbee McClymont	Annual Review	No changes
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POLICY STATEMENT

All Mines & Construction Training (AMCT) seek to provide a fair, safe and supportive environment where students and staff can learn and work effectively, and to prevent complaints and appeals occurring. All staff and students must be treated in a fair, courteous and respectful manner, and that all functions and activity of the RTO occurs in accordance with the various policy and procedure documents set out to facilitate this.

In the event of a complaint or appeal, the Director of RTO Management (DRTOM) will ensure the matter is managed in a constructive, fair and timely manner, intended to bring a satisfactory resolution for all parties concerned, and one that abides by all related legislation, regulation, and AMCT operating guidelines.

AMCT's commits to ensuring that:

- 1 Students, clients and staff are aware of this policy and guidelines for handling complaints and appeals, both within the AMCT framework and external options.
- 2 Any complaint or appeal is handled professionally and confidentially.
- 3 All parties to the complaint or appeal have a clear understanding of the process involved in resolving the issue.
- 4 That all parties associated with a complaint or appeal are advise of their rights and responsibilities in relation to how the matter will be addressed, actions that can be undertaken and how decisions are made.
- 5 The outcome and decisions resulting from investigation of a complaint or appeal are provided in writing, to all parties involved.
- 6 Students and staff will not be treated unfairly as a result of being a party to a complaint or appealed a decision.
- 7 A record will be made and maintained for all complaint or appeal matters, setting out the origin of the concern, the process taken to investigate and resolve them, and the outcomes.
- 8 Complaints and appeals will be used to review RTO operations and guide improvements in practice and decision making.

Responsibilities

The DRTOM at AMCT is responsible for ensuring the compliance and implementation of this policy and for overseeing the facilitation of any complaint received.

All staff are responsible for applying this policy to the work activity they undertake, specifically when responding to or participating in the management of a complaint or appeal, and operating within their delegated responsibility.

Students and clients are responsible for following the guidelines and procedures and complying with the intentions of this policy in lodging a complaint or appeal.

The DRTOM of AMCT undertakes to monitor the activity surrounding matters of complaints or appeals to ensure that the complainant is not disadvantaged by their action of lodging a complaint or appeal.

GUIDELINES

1. The DRTOM of AMCT must be notified as soon as practicable of any complaint or appeal being raised in relations to any aspect of AMCT business.
2. Any person who feels aggrieved is required to raise their concern/s with the relevant party (trainer, assessor, administrator, other student etc) in the first instance to ascertain if the matter can be resolved in an informal manner. AMCT staff must provide support to those that lodge an appeal or complaint in such a manner that expedites an appropriate and satisfactory outcome for those involved and addresses any special requirements that the person lodging the complaint or appeal has.
3. If the issue is unable to be resolved using this approach, or if the aggrieved person genuinely feels unable to raise the matter with the persons involved, they may discuss the matter with another AMCT employee to seek advice or support in addressing the matter informally. Alternatively, they may proceed directly to the formal process set out in this policy, explaining while this action has been taken.
4. Formal complaints or appeals must be made in writing and addressed to the DRTOM using the AMCT Complaint or Appeal Lodgement Form.
5. The DRTOM will ensure the complaint or appeal is responded to as soon as is practicable (within 3 working days) and that it is investigated in a process that is open, fair, and complete, and the process is made known to the parties involved.
6. If the matter is unable to be resolved, it will be referred to a panel to review and make a final determination of actions to be taken. The panel will consider the matter and provide their outcomes in writing to the aggrieved party and the DRTOM. The Panel will consist of two independent persons with skills for reviewing complaints that are drawn from:
 - AMCT employee with expertise in the area concerned
 - A client from the area concerned (employer)
 - An industry representative - professional body or association
 - An appropriate external party - consultant
 - A trainer or assessor external to AMCT staff

7. All members of the Panel will be required to declare if a conflict is present and excuse themselves from participating in the process, if so.
8. If the complaint or appeal remains unresolved after this process the complainant will be advised of relevant external organisations that they may choose to contact.
9. All complaints or appeals received must be documented and open to external review, and considered for continuous improvement actions.

PROCEDURES

The procedures that follow outline the process that must be followed in lodging, receiving and responding to a complaint or appeal. These procedures guide AMCT staff in the process of receiving, acting upon and documenting either a complaint or appeal from a student, staff, or client.

Complaints Management

PROCESS	RESPONSIBILITY	ACTION
Receiving a complaint	All staff DRTOM (Director of RTO Management)	<ul style="list-style-type: none"> • Ensure that the complaint is documented in writing with sufficient details to provide the basis for investigation • Check that contact details of the complainant are provided • Advise the complainant of the process that will follow and that they will be contacted within 3 working days • Log the complaint in the Complaints & Appeals Register • Notify and provide the DRTOM or delegate with the written complaint as soon as practicable • Check to ensure that the complainant is okay or if they requires support or assistance
Review the complaint	DRTOM	<ul style="list-style-type: none"> • Consider the complaint details and determine a process for investigating it • Appoint a person to investigate the complaint • Advise the complainant in writing of the process being applied • Monitor the investigation process
Investigating the complaint	Appointed person	<ul style="list-style-type: none"> • Gather information from all relevant parties to establish the facts - advise parties to the complaint (complainant and respondent) they may bring a support person to interviews • Review the facts in relation to AMCT policy and procedures and regulatory and legislative requirements to determine factors leading to the complaint • Discuss with relevant parties/ decision makers and decide upon a resolution strategy • Discuss strategy with the complainant • If complaint can be resolved, document outcomes including continuous improvement actions • If complaint unresolved escalate to a Panel process for final consideration - prepare documentation for a Panel to review
Clause 6.4	DRTOM	<ul style="list-style-type: none"> • a) The complainant or appellant in writing, including

Complaint not finalised within 60 days		<p>reasons why more than 60 calendar days are requested and</p> <ul style="list-style-type: none"> • b) regularly updates the complainant or appellant on the progress of the matter
Escalation of the complaint - only if unresolved in previous step	DRTOM	<ul style="list-style-type: none"> • Advise complainant of escalation process • Appoint a suitable Panel and provide all documentation available to them - request panel members to sign a confidentiality agreement and conflict of interest declaration • Provide support and assistance to the Panel by way of an independent staff member • Review Panel findings and abide by their decision • Act upon the Panels decisions • Document outcomes including continuous improvement actions and advise all parties (complainant and respondent) of the outcome in writing • If complaint unresolved inform the complainant in writing of the outcome of all investigations and the final decision and advise them of external options that they may access
Evaluating complaint processes	DRTOM	<ul style="list-style-type: none"> • Ensure a review all information gathered during the complaint occurs to identify contributing factors to the complaint • Examine and identify ways to prevent similar complaints occurring in the future • Record all details in the Complaints & Appeals Register, Continuous Improvement Register and Action Plans • Discuss the findings with staff, together with any required changes or actions to be taken • Implement changes where relevant • Follow up with staff and students as relevant

Appeals Management

PROCESS	RESPONSIBILITY	ACTION
Receiving an appeal matter	All staff	<ul style="list-style-type: none"> • Ensure that the details of the appeal is provided in writing with sufficient information to provide the basis for a review • Check that the contact details of the person appealing a decision are provided • Advise the person of the process that will follow and that they will be contacted within 3 working days • Log the appeal in the Complaints & Appeals Register • Notify and provide the DRTOM or delegate with the written appeal as soon as practicable
Review an appeal matter	DRTOM	<ul style="list-style-type: none"> • Consider the appeal details and determine a process for reviewing it • Appoint a person to investigate the appeal and matters surrounding it • Advise the person in writing of the process being applied • Monitor the investigation process
Investigating the appeal matter	Appointed person	<ul style="list-style-type: none"> • Gather information from all relevant parties to establish the facts • Review the facts in relation to AMCT policy and

		<p>procedures, regulatory and legislative requirements to determine factors leading to the appeal</p> <ul style="list-style-type: none"> • Discuss with relevant parties/ decision makers and decide upon a strategy to address the appeal matter • Discuss strategy with the person appealing • If appeal can be resolved, document outcomes including continuous improvement actions • If appeal matter not resolved escalate to a Panel process for final outcome - provide all documentation to Panel
Escalation of the appeal matter - only if unresolved in previous step	DRTOM	<ul style="list-style-type: none"> • Advise person of the escalation process pertaining to the appeal matter • Appoint a suitable Panel and provide all documentation available to them - request panel members sign a confidentiality agreement and conflict of interest declaration • Provide support and assistance to the Panel by way of an independent staff member • Review Panel findings and abide by their decision • Act upon the Panels decisions • If appeal matter resolved, document outcomes including continuous improvement actions • If appeal matter unresolved inform the student in writing of the outcome decision and advise them of external options that they may access
Evaluating actions to resolve an appeal matter	DRTOM	<ul style="list-style-type: none"> • Ensure a review all information gathered during the appeal process occurs to identify contributing factors to the appeal • Examine and Identify ways to prevent similar appeals occurring in the future • Record all details in the Complaints & Appeals Register, Continuous Improvement Register and Action Plans • Discuss the findings with staff, together with any required changes or actions to be taken • Implement changes where relevant • Follow up with staff and students as relevant

DEFINITIONS

Appeal	Action taken by a person who is dissatisfied with a decision which may have an adverse outcome upon the person (or is perceived to have an adverse outcome). In this context appeals relate to the students of AMCT
Complaint	An expression of dissatisfaction with the behaviour or action of another which has an unreasonable negative impact upon the complainant. In this context complaints relate to the students (clients) or staff of AMCT
Complainant	Person raising a complaint
Independent person	An individual/s who are not involved or named as party to a matter. In this context it is important to acknowledge that independent means an individual or individuals who will look at a complaint or appeal matter from a perspective of neutrality
Panel	A body of independent persons compiled to review decisions and actions resulting from investigation of complaints and appeals. In this context the panel would be reviewing actions and decision taken by AMCT

Parties	Those people who have a direct connection to the matter of complaint or appeal. In this context this means AMCT students, clients, staff as well as members representing AMCT on a Panel to consider a complaint or appeal, or a representative of the Training Accreditation Council or other Government Departments who has a legal right to become involved
Respondent	Person to whom a complaint is made about, or named as a person associated with a complaint matter

POLICY AND DOCUMENT BASE

- Standards for Registered Training Organisations (RTOs) 2015
- Equal Opportunity Act WA
- Freedom of Information Act WA
- AMCT Assessment Policy and Guidelines
- Fair Trading Act 2010
- Competition and Consumer Act 2010

ASSOCIATED DOCUMENTS AND SYSTEMS

TITLE	STATUS	LOCATION	COMMENTS
Complaints & Appeals Lodgement Form	ACTIVE	F Drive	
Complaints & Appeals Register	ACTIVE	F Drive	
Continuous Improvement Register & Action Plan	ACTIVE	F Drive	
Confidentiality Agreement	ACTIVE	F Drive	

IMPLEMENTATION

This policy is implemented through:

- Student Information Booklet
- Staff induction sessions
- Staff Training & Assessor Information Guides
- Student training materials
- Staff meeting discussions
- AMCT policy and procedures documents
- Continuous improvement processes - CI Register and Action Plans

This policy must be reviewed annually.