



## **COMPLAINTS AND APPEALS POLICY**

All Mine Construction Training

## COMPLAINTS AND APPEALS POLICY

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### Note to the reader:

Please ensure that when reading this policy document you read the content in conjunction with the definitions and terms included at the end of the document to ensure correct interpretation is made. Also consider the content in relation to the associated documents and systems referred to in the document and access these to obtain complete information to guide services, decisions and practice in All Mine Construction Training (AMCT).

Should you have any queries in relation to this policy and procedure document or are unsure of the actions you should take, it is important that you seek guidance from the designated RTO person.

## POLICY STATEMENT

AMCT strives to provide a fair, safe and supportive environment where students and staff can learn and work effectively, and to prevent complaints and appeals occurring. It is important that all staff and students are treated in a fair, courteous and respectful manner, and that all functions and activity of the RTO occur in accordance with the various policy and procedure documents set out to facilitate this. It is acknowledged that even with careful attention to the application of the AMCT policy and guidelines, individuals may at times feel aggrieved and want to have their issues and concerns heard. This policy and procedure is in place to manage these situations when informal issues and turn into formal complaints.

In the event of a complaint or appeal occurring, the Director 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, regulations, and AMCT operating guidelines.

AMCT 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 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 Students and staff will not be treated unfairly as a result of being a party to a complaint or appeal.
- 6 A record will be 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.
- 7 Complaints and appeals will be used to review RTO operations and guide improvements in practice and decision making.

## RESPONSIBILITIES

### The Director

1. The Director has responsibility for ensuring that transparent and robust processes are in place to manage complaint and appeal matters and to oversee the implementation and facilitation of these functions.
2. The Director must supervise any staff who has delegated responsibility for managing complaint and appeal matters and to undertake monitoring to ensure the policy is effectively applied.
3. The Director must ensure that activity or outcomes surrounding matters of complaints or appeals do not disadvantaged the complainant in any way by their action of lodging a complaint or appeal.

### The Training Coordinator

1. The Training Coordinator is responsible for ensuring the compliance and implementation of this policy and for overseeing the facilitation of any complaint received. In fulfilling these

responsibilities the Training Coordinator must advise the Director of all complaints and seek their advice should a complaint or appeal escalate to a formal matter.

2. The Training Coordinator is responsible for ensuring that the outcomes of complaint or appeal matters are considered and where relevant continuous improvement actions are taken to reduce the likelihood of future events occurring.
3. The Training Coordinator is responsible for ensuring that this policy and procedures are followed and that students and staff are aware of the policy and have access to the information and tools as set out in the policy and procedures.

#### **Trainers, Assessors and other RTO Staff are responsible for:**

1. Applying this policy to the work activity they undertake, specifically when receiving or responding to a complaint or appeal or participating in the management of a complaint or appeal.
2. While operating within their delegated responsibility for all RTO activities.

#### **Students are responsible for:**

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

## **GUIDELINES**

1. The Director must be notified as soon as practicable of any complaint or appeal being raised in relations to any aspect of AMCT operations.
2. Any person who feels aggrieved is required to raise their concern/s with the relevant party to whom the matter is associated in the first instance to ascertain if the matter can be resolved at this level. AMCT staff must provide support for any person that indicates they have a matter of concern that they want resolved. The support and approach should be one that attempts to expedite an appropriate and satisfactory outcome for those involved and addresses any special requirements that the person with the concern may have.
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 person/s involved, they may discuss the matter with another AMCT staff member 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 Director using the AMCT Complaint or Appeal Form.
5. The Director will ensure the complaint or appeal is responded to as soon as is practicable (within 3 working days), is resolved within 60 days and it is investigated through a process that is open, fair, and complete, with the process being made known to all parties involved.
6. If necessary the internal process will involve the use of an independent 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 Director. The Panel will consist of at least 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 independent external party
  - A trainer or assessor external to AMCT staff
7. All members of the Panel will be required to declare if a conflict of interest is present and excuse themselves from participating in the process, if so.
  8. If the matter is unable to be resolved within a 60 day period the complainant will be notified in writing, including updates on the reasons why a resolution has not achieved.
  9. If the RTO internal processes fail to resolve the complaint or appeal matter the complainant will then be advised of their right to have the matter referred to an external independent party for review at no cost to themselves.
  10. If the complaint or appeal remains unresolved after the RTO processes above have been followed the complainant must be advised in writing of this outcome and the relevant external organisations that they may choose to contact.
  11. All complaints or appeals received must be documented and open to external review, and considered by the RTO for continuous improvement actions.

## PROCEDURES

The procedures outlined here provide the process to follow 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 or interested party. Refer to definitions and terms to clarify the context in which the terms complaint and appeal are used. The Director must be notified of all complaints and appeals and staff are required to advise students of the appropriate process for lodging a complaint or appeal and forwarding any such matter received to the Training Coordinator or Director. AMCT staff must ensure that students who choose to lodge a complaint or appeal are supported as required and not victimised or compromised in any way for having done so. All parties involved in complaint and appeal matters must maintain confidentiality about the matter at all times.

### Complaints Management

| PROCESS               | RESPONSIBILITY                    | ACTION   |
|-----------------------|-----------------------------------|--|
| Lodging a complaint   | Student or interested party       | <ul style="list-style-type: none"> <li>• Document details of complaint matter using the Complaint or Appeal Form</li> <li>• Attach any supporting information and ensure that contact details are provided</li> <li>• Forward documentation to the Training Coordinator in a sealed envelope</li> <li>• Maintain confidentiality about the complaint matter and do not discuss with others who do not need to know about it</li> </ul>   |
| Receiving a complaint | All staff<br>Training Coordinator | <ul style="list-style-type: none"> <li>• Any staff person receiving a complaint must immediately provide it to the Training Coordinator (or their delegate in their absence) without opening sealed envelopes or electronic attachments</li> <li>• The Training Coordinator must ensure that the complaint is documented in writing with sufficient details to provide the basis for investigation</li> <li>• Check that contact details of the complainant are provided</li> <li>• Advise the complainant of the process that will follow and that they will be contacted within 3 working days</li> <li>• The process for investigating the complaint must commence within 5 working days of the complaint being received</li> </ul> |

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|   |  | <ul style="list-style-type: none"> <li>• Log the complaint in the Complaints &amp; Appeals Register</li> <li>• Notify the Director or their delegate with notification that a formal complaint has been received and take guidance from them as necessary</li> <li>• Check to ensure that the complainant is okay or if they require support or assistance</li> </ul>  |
| Review the complaint  | Training Coordinator<br>Director or<br>Appointed Person                    | <ul style="list-style-type: none"> <li>• Consider the complaint details and determine a process for investigating it</li> <li>• Either investigate the complaint, involve specialists or appoint a person to investigate the complaint</li> <li>• Advise in writing, the complainant and other parties involved of the process being applied</li> <li>• The review process must ensure the complainant has an opportunity to formally present their case and this should occur without cost to the complainant</li> <li>• Where possible the review of the complaint should be completed within 15 working days of receipt of the complaint</li> <li>• Where it is considered that more than 60 calendar days may be required to resolve the complaint matter, the complainant must be advised in writing providing reasons why this time frame is required</li> <li>• If a complaint matter is deemed to require more than 60 calendar days to resolve, the complainant must be provided with regular updates as to the progress of the matter</li> </ul>   |
| Investigating the complaint                                       | Training Coordinator<br>Director or<br>Appointed Person                    | <ul style="list-style-type: none"> <li>• All possible actions must be taken to ensure that the investigation and resolution of the complaint occurs in a timely manner</li> <li>• Gather information from all relevant parties to establish the facts - advise the parties to the complaint (complainant and respondent) they may bring a support person to interviews / meeting</li> <li>• Remind all parties involved of the need to maintain confidentiality about the matter while it is under review</li> <li>• Review the facts in relation to AMCT policy and procedures and regulatory and legislative requirements to determine factors leading to the complaint</li> <li>• Discuss with relevant parties/ decision makers and decide upon a resolution strategy</li> <li>• Discuss strategy with the complainant</li> <li>• If complaint can be resolved, document outcomes including continuous improvement actions and implement resolution actions</li> <li>• If complaint unresolved escalate to a Panel Review process for review by a panel of independent person/s including parties external to AMCT</li> <li>• Prepare documentation for the panel of reviewer/s</li> <li>• Advise the Director of the escalation of the complaint process</li> </ul> |
| Escalation of the complaint - only if unresolved in previous step | Training Coordinator<br>Director or<br>Appointed Person<br>Panel Reviewers | <ul style="list-style-type: none"> <li>• Advise complainant of escalation process</li> <li>• Appoint suitable persons to the Panel and provide all documentation available to them - request Panel Reviewers to sign a confidentiality agreement and conflict of interest declaration. Refer to Guidelines (p.4) to establish a panel of independent suitable persons</li> <li>• Provide support and assistance to the Reviewer/s by way of an independent staff member for admin tasks</li> </ul>   |

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|                                |                                  | <ul style="list-style-type: none"> <li>• Consider Reviewers findings and abide by their decision</li> <li>• Act upon the Reviewers decisions</li> <li>• Document outcomes including continuous improvement actions and advise all parties (complainant and respondent) of the outcome in writing</li> <li>• 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 by way of an independent external reviewer as detailed in Guideline 7</li> <li>• If a complainant advises AMCT that they wish the matter to be referred an external independent party, the Director must be advised and the complainant advised in writing of the options available to them and a process for accessing this option must be put in place</li> </ul> |
| Evaluating complaint processes | Training Coordinator<br>Director | <ul style="list-style-type: none"> <li>• Ensure a review all information gathered during the complaint occurs to identify contributing factors to the complaint</li> <li>• Examine and identify ways to prevent similar complaints occurring in the future</li> <li>• Record all details in the Complaints &amp; Appeals Register, Continuous Improvement Register and Action Plans</li> <li>• Discuss the findings with staff, together with any required changes or actions to be taken</li> <li>• Implement changes where relevant</li> <li>• Follow up with staff and students as relevant</li> </ul>  |

## Appeals Management

| PROCESS                    | RESPONSIBILITY                                       | ACTION  |
|----------------------------|--|---|
| Lodging an appeal          | Student  | <ul style="list-style-type: none"> <li>• Document details of the decision being appealed using the Complaint or Appeal Form</li> <li>• Attach any supporting information and ensure that contact details are provided</li> <li>• Forward documentation to the Training Coordinator in a sealed envelope</li> <li>• Maintain confidentiality about the appeal matter and do not discuss with others who do not need to know about it</li> </ul>  |
| Receiving an appeal matter | Training Coordinator                                 | <ul style="list-style-type: none"> <li>• Ensure that the details of the appeal are provided in writing with sufficient information to provide the basis for a review</li> <li>• Check that the contact details of the person appealing a decision are provided</li> <li>• Advise the person of the process that will follow and that they will be contacted within 3 working days</li> <li>• The process for reviewing the appeal must commence within 5 working days of the appeal being received</li> <li>• Log the appeal in the Complaints &amp; Appeals Register</li> <li>• Involve others who have specific responsibilities that relate to the nature of the appeal</li> </ul> |
| Review an appeal matter    | Training Coordinator<br>Director<br>Appointed Person | <ul style="list-style-type: none"> <li>• Consider the appeal details and determine a process for reviewing it</li> <li>• Appoint a person to investigate the appeal and matters surrounding it</li> <li>• Advise the person in writing of the process being applied</li> </ul>  |

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|   |  | <ul style="list-style-type: none"> <li>• The review process must ensure the appellant has an opportunity to formally present their case and this should occur without cost to the appellant</li> <li>• Where possible the review of the appeal should be completed within 15 working days of receipt of the appeal</li> <li>• Where it is considered that more than 60 calendar days may be required to resolve the appeal matter, the appellant must be advised in writing providing reasons why this time frame is required</li> <li>• If an appeal matter is deemed to require more than 60 calendar days to resolve, the appellant must be provided with regular updates as to the progress of the matter</li> <li>• Monitor the investigation process</li> </ul>   |
| Investigating the appeal matter                                       | Training Coordinator<br>Director<br>Appointed Person | <ul style="list-style-type: none"> <li>• All possible actions must be taken to ensure that the investigation and resolution of the appeal occurs in a timely manner</li> <li>• Gather information from all relevant parties to establish the facts about the appeal matter - advise parties involved they may bring a support person to interviews/ meetings conducted</li> <li>• Remind all parties involved of the need to maintain confidentiality about the matter while it is under review</li> <li>• Review the facts in relation to AMCT policy and procedures and regulatory and legislative requirements to determine factors relating to the appeal matter</li> <li>• Discuss with relevant parties/ decision makers and decide upon an outcome and resolution strategy</li> <li>• Discuss strategy with the person who lodged the appeal</li> <li>• If appeal matter can be resolved, document outcomes including continuous improvement actions and implement resolution actions</li> <li>• If appeal matter not resolved escalate to an Panel Review process for review by a panel of independent person/s including parties external to AMCT</li> <li>• Prepare documentation for the panel of reviewer/s</li> <li>• Advise the Director of the escalation of the process</li> <li>• Where it is considered that more than 60 calendar days may be required to resolve the appeal matter, the appellant must be advised in writing providing reasons why this time frame is required</li> <li>• If an appeal matter is deemed to require more than 60 calendar days to resolve, the appellant must be provided with regular updates as to the progress of the matter</li> </ul> |
| Escalation of the appeal matter - only if unresolved in previous step | Director or Appointed person                         | <ul style="list-style-type: none"> <li>• Appoint suitable Reviewer/s and provide all documentation available to them - request Reviewer/s members sign a confidentiality agreement and conflict of interest declaration. Refer to Guidelines (p.4) to establish a panel of independent suitable persons.</li> <li>• Provide support and assistance to the Reviewer/s by way of an independent staff member</li> <li>• Consider Reviewer findings and abide by their decision</li> <li>• Act upon the Reviewers decisions</li> <li>• If appeal matter resolved, document outcomes including continuous improvement actions and implement resolution actions</li> <li>• Advise all parties in writing and document outcomes</li> <li>• If appeal unresolved inform the appellant in writing of the</li> </ul>   |

|  |                                  |   |
|--|----------------------------------|---|
|  |                                  | <p>outcome of all investigations and the final decision and advise the appellant of the external options that may be accessed by way of an independent external reviewer as detailed in Guideline 7</p> <ul style="list-style-type: none"> <li>• If an appellant advises AMCT they wish the matter be referred an external independent party, the Director must be advised and the appellant advised in writing of the options available to them. A process must be put in place</li> </ul>   |
| Evaluating actions to resolve an appeal matter | Training Coordinator<br>Director | <ul style="list-style-type: none"> <li>• Ensure a review all information gathered during the appeal process occurs to identify contributing factors to the appeal</li> <li>• Examine and identify ways to prevent similar appeal matters occurring in the future</li> <li>• Record all details in the Complaints &amp; Appeals Register, Continuous Improvement Register and Action Plans</li> <li>• Discuss the findings with staff, together with any required changes or actions to be taken</li> <li>• Implement changes where relevant</li> <li>• Follow up with staff and students as relevant</li> </ul> |

## DEFINITIONS & TERMS

|                    |   |
|--------------------|---|
| 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. An appeal could relate to an application for admission or enrolment, a decision about assessment outcomes, notice of intent to report for non-attendance, or refund of fees decisions. |
| Complaint          | An expression of dissatisfaction with the behaviour or action of another which has an unreasonable negative impact upon the complainant. A complaint could relate to decisions made, actions taken or quality of services provided by AMCT. In this context complaints relate to the students (clients) or staff of AMCT.   |
| Complainant        | Person raising a complaint  |
| Independent person | An individual/s 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 Regulatory Authority or other Government Department 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 & DOCUMENT BASE

- Standards for RTOs 2015, compilation 07/2017
  - Standard 6.1 - 6.6
- AMCT Policies and Procedures - Records Management, Continuous Improvement, Assessment & Student Management
- Equal Opportunity Laws - Commonwealth and State
- Relevant Consumer Laws - Commonwealth and State

## ASSOCIATED DOCUMENTS & SYSTEMS

| TITLE   | STATUS | LOCATION | COMMENTS |
|---|--------|----------|----------|
| Complaints or Appeals Form                    |        |          |          |
| Complaints & Appeals Register                 |        |          |          |
| Continuous Improvement Register & Action Plan |        |          |          |
| Confidentiality Agreement                     |        |          |          |
| Management Review Report                      |        |          |          |

## IMPLEMENTATION

This policy is implemented through:

- Student Information Guides
- Staff job descriptions
- Staff induction processes
- Student induction processes
- Staff meetings
- Staff Training & Assessor Information Guides
- AMCT policy and procedures documents
- AMCT review and monitoring processes
- Student training and assessment materials
- Continuous improvement processes - CI Register and Action Plans

This policy must be reviewed annually.