

## Section 5 – Complaints and Appeals

### Standard Six

**Complaints and Appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.**

#### Clause 6.1

*The RTO has 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.*

#### Clause 6.2

*The RTO has 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.*

#### Clause 6.3

*The RTO's complaints and appeals policy:*

- *ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process*
- *are publicly available*
- *set out the procedure for making a complaint or requesting an appeal*
- *ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and*
- *provide for review by an appropriate party independent of the RTO and the complaint or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.*

#### Clause 6.4

*Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:*

- *informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and*
- *regularly updates the complainant or appellant on the progress of the matter.*

#### Clause 6.5

*The RTO:*

- *securely maintains records of all complaints and appeals and their outcomes, and*
- *identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.*

#### Clause 6.6

Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members does not change fees for the training or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

## Complaints and Appeal

### Policy Statement

The Skilled Up provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively.

The Skilled Up considers all complaints and appeals as an opportunity to improve the service that we offer to all stakeholders. In this procedure we consider complaints and appeals (including assessment outcomes) to be specific in their nature.

Complaints and appeals may be dealt with internally and/or externally depending on the individual situation and whether it can or cannot be resolved to the satisfaction of all concerned and specific requests for adjudication.

### Corrective Action:

Skilled up will take risk mitigation approach to develop a strategy where Skilled Up will avoid the re-occurrence of the same compliant. The corrective action will be record on the Corrective Action Form (CAF) and recorded in the compliant and appeal register.

## Nature of complaints

A complaint can be defined as a student's expression of dissatisfaction with any aspect of the services and activities provided by the Skilled Up, including:

- The enrolment, induction/orientation process;
- The quality of teaching or assessment provided
- Access to personal records
- The way someone has been treated.

Some of the sorts of things a student could complain about include:

- Sexual harassment
- Course requirements and costs
- Quality of training and resources
- Fairness of the assessment process
- Timeframes for completion
- Communication breakdown
- Professional etiquette

An appeal is defined as a request for the Skilled Up to reconsider a decision which it has made regarding the student's enrolment or progress. Such decisions may include:

- The decision to suspend, defer or cancel a student's enrolment;
- Decisions regarding an assessment decision.

### Complaints process

The Skilled Up is committed to implementing effective complaint resolution procedures where issues are managed quickly, dealt with fairly and confidentially at the local level with a

minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes. The procedures for managing complaints and appeals aim to avoid blame and undue investigation

### **Roles and responsibilities relating to handling complaints**

The CEO/RTO manager is responsible for implementing this policy. The RTO Manager has primary responsibility for responding to complaints, counselling students and advising them about avenues and resources for further counselling or support.

### ***Informal complaint resolution procedure***

Students are encouraged to resolve concerns or difficulties directly with the person(s) concerned, wherever possible. Such cases will not normally be documented if they are resolved to the satisfaction of all parties concerned. Students may discuss any issues related to their studies with their Trainer/Assessor, the CEO/RTO manager as part of the informal complaint resolution process.

- Students should in the first instance refer the complaint to the trainer or person concerned.
- The trainer or person concerned will listen and note the nature of the concern and identify the expected outcome of the complainant.
- The trainer or person concerned may confer with the CEO who will recommend a course of action that specifically addresses the issue.
- If the complainant is happy with the proposed outcome, appropriate steps need to be taken to implement that outcome by logging a suggestion in the **\*Continuous Improvement Register**.
- If the issue is not resolved, the complainant may lodge a formal complaint.

### ***Formal complaints and appeals resolution procedure***

If they cannot resolve a complaint through informal discussions students can lodge a formal complaint or appeal. A formal complaint or appeal and any actions arising and the outcome, will be recorded on a **Complaint Resolution Form**. The student enrolment will be maintained throughout the process. There is no cost for a student to lodge a complaint or an internal appeal.

### ***Information for Students - Complaints and Appeals Policy***

- All prospective students on enrolment will be provided with information about the Skilled Up Complaint's Process.
- All complaints will be handled professionally and confidentially so as not to impede the resolution process.
- All complaints must be initiated within ten (10) days of the issue(s) becoming evident.
- Students will be provided with details of external agencies they may approach if required i.e. Student Support Manager.

All complaints and appeals will be managed fairly, equitably and as efficiently as possible.

- Students may raise any matters of concern relating to training delivery and assessment, the quality of the training, student amenities, discrimination, sexual harassment and any other issues that may arise.

- Before making a formal complaint, the student should approach the person(s) directly involved. This does not lessen his or her right in any way to lodge a formal complaint or appeal.
- Resolution procedures will be in place within fourteen (14) days of receipt of the complaint.
- Skilled Up will encourage the parties to a complaint to approach the problem with an open mind and to attempt to resolve problems through discussion and conciliation. Where a complaint cannot be resolved through discussion and conciliation, it is acknowledged that appropriately qualified external and independent persons may be called to mediate between the parties.
- Resolution not be achieved within four (4) weeks the complainant may lodge a complaint with an outside mediator or Overseas Student Ombudsman.
- all formal complaints and appeals need to be in writing to:

#### *Appeals process*

All students have the right to make an academic appeal. Where a student is dissatisfied with the assessment of any work, assignment and/or an examination result, the student should discuss this informally in the first instance with their Trainer/Assessor.

Where a student is dissatisfied with the assessment of practical work and/or vocational placement assessments performed in the workplace, the student should discuss this informally in the first instance with their workplace mentor/supervisor. If the student remains dissatisfied, the issue should be discussed informally with their Trainer/Assessor.

If the issue cannot be resolved informally, a student may submit a formal academic appeal in writing to the CEO within twenty (20) working days of receiving the reviewed academic result. The appeal must outline why the student has requested a formal review of the result. The student will be advised in writing that the appeal has been received.

The CEO will seek to resolve a formal academic appeal through the appointment of an independent and impartial mediator to conduct an investigation and make a recommendation. All parties involved in any formal academic appeal will be advised of the outcome in writing within twenty (20) working days of the date of the appeal.

If a student's formal academic appeal is successful the academic result will be amended. A student whose formal academic appeal is not upheld by the CEO will be advised in writing of the option to either access the appeals procedure or the process for external mediation. **Note:** The appellant, if still not satisfied with the decision, has rights under the Australian legal system or to contact Ombudsman for advice.

#### *Action Required*

##### Trainers/Assessors

- If the complaint is made to you and is about what you have done, try to resolve the concerns with the student directly. Document the complaint details in your diary and send an email to the CEO advising them of the nature of the complaint as soon as possible. If the complaint is about any aspect of the Skilled Up's service advise the student to contact the RTO Manager for further action.
- If you have any concerns about handling the complaint, refer the complainant to the CEO whom you must also contact immediately by telephone or email to provide background details.
- If you have a complaint about another trainer, staff member, or any aspect of the Skilled Up's operations your need to:

- try to resolve the concerns directly. Document the complaint details in your diary and send an email to the CEO advising of the issues and how they might be resolved.
- If your complaint is about any aspect of the Skilled Up's service, contact the CEO to discuss or email them with details of the issue and what you have done to try and resolve it.

### Risk Mitigation Approach

#### Risk Table

Risk	Complain Area	Risk Identification	Likelihood	Severity	Level of control	Significance	Risk Strategy	Risk Mitigation
Level	Student							
Level	Operational							
Level	Technology							
Level	Resources							
Level	Trainer/ Assessor							
Level	SKUP Staff							

### Risk Indicators

#### **Risk Significant**

Likelihood	Severity	Level of Control
1 – very unlikely	1 Minor impact on learning out, schedule, performance of learner	1 Essentially avoidable through selected mitigation action
2 – Somewhat unlikely	2 – Moderate impact	2 – Highly controllable through organisation
3 – 50/50 chance	3 – Significant impact	3 – Moderately controllable
4 – Highly likely	4 – Very significant impact	4 – largely controllable
5 – Nearly certain	5 – Disastrous impact	5 – Uncontrollable by the organisation



*Roles and responsibilities relating to handling complaints/Appeals*

CEO

RTO manager

Admissions Manager