

PP003 Complaints and Appeals Policy and Procedure

Purpose

The purpose of this policy and procedure is outline and the process in which AGB Training deals with complaints and appeals from all stakeholders in a fair, efficient and effective manner.

Policy

1. Complaints and Appeals

- 1.1. AGB Training takes the submission of complaints and appeals seriously and endeavours to resolve them within 30 calendar days.
- 1.2. Where AGB Training determines that more than 60 calendar days may be required to resolve the issue the Complainant/Appellant will be notified in writing and given reason as to why more time may be required. During the process the Complainant/Appellant will be updated in writing of the progress of the complaint/appeal.
- 1.3. AGB Training endeavours to ensure all submissions of complaints and appeals are dealt with fairly, efficiently and effectively and ensuring that where possible, AGB Training implements corrective actions to eliminate or mitigate the likelihood of reoccurrence.
- 1.4. This *Complaints and Appeals Policy and Procedure* will be made available to all stakeholders via the AGB Training website.
- 1.5. All AGB Training stakeholders have the opportunity to submit a complaint about all services including those provided by a third party providers of AGB Training. This can include but is not limited to:
 - Student attendance
 - Curriculum matters
 - Awards
 - Conduct of trainers, assessors, staff and students
 - Fee and refunds
 - Harassment, vilification, discrimination and bullying
 - Enrolment procedures
 - Exclusion from events and facilities
- 1.6. Appeals can be submitted by AGB Training students who are dissatisfied with the outcome of a decision made, including those made by third party providers of AGB Training. This can include but is not limited to:
 - Enrolment Application decisions
 - Eligibility for a funded enrolment place
 - Academic progress including assessment decisions

2. Step 1: Informal

- 2.1. All stakeholders are encouraged to speak with their Trainer/Assessor or relevant AGB Training staff member in an attempt to resolve the issue here.

3. Step 2: Formal – Investigation and Review

- 3.1. Where the issue cannot be resolved informally with relevant AGB Training staff member, individuals are encouraged to complete the *Complaints and Appeals Form* available on the AGB Training website.
- 3.2. The completed form is to be submitted to AGB Training’s Student Support Department.
- 3.3. The Student Support Officer will forward the Complaint and Appeal Form to the Operations Manager for review.
- 3.4. AGB Training will notify the Complainant/Appellant in writing upon receipt of the *Complaints and Appeals Form*.
- 3.5. The Operations Manager will table the submission on the agenda at the weekly Operations Meeting and will determine what investigations are required to take place and conduct investigation or allocate relevant staff members to conduct and report on the investigation.
- 3.6. Investigations of complaint will be conducted which can include but is not limited to:
 - Interviewing relevant individuals present during the incident/event, this can include Trainer/Assessors, Third Party Providers and other students.
 - Reviewing organisational processes and procedures
 - Reviewing completed documentation by the individual
- 3.7. Investigations of appeals will be conducted which can include but is not limited to:
 - Review the assessment decision by Trainer/Assessors not directly involved in this instance
 - Interviewing Trainer/Assessors (including Third Party Providers)
- 3.8. Staff members directly involved in the complaint/appeal will not participate in the investigation.
- 3.9. Where the Complainant/Appellant is requested to participate in a meeting regarding the investigation they are permitted to bring a support person if they choose.
- 3.10. The Complainant/Appellant may request a meeting to further discuss their submission at any time during this process.
- 3.11. Details of the investigation will be recorded and retained on the *Complaints and Appeals Form* and documented in the *Complaints and Appeals Register*.
- 3.12. Once a decision has been made the Operations Manager will notify the Complainant/Appellant in writing of the decision made, including rationale behind the decision.
- 3.13. The Complainant/Appellant will be advised at this point they can appeal this decision and further investigations will be conducted as per *Step 3: Formal – Internal Investigation and Review* of this policy and procedure.

4. Step 3: Formal - Internal Investigation and Review

- 4.1. Where the Complainant/Appellant is dissatisfied with the outcome of the initial investigation and formally advise they would like to appeal this decision the Operations Manager will forward all relevant submissions, evidence and notes of investigation to the Chief Executive Officer (CEO) for review.
- 4.2. The CEO will notify the Complainant/Appellant in writing of receiving the submission.
- 4.3. The CEO will review the submission and all relevant documentation and determine what actions should be taken to resolve the Complaint/Appeal.
- 4.4. Further investigation will be conducted where the CEO feels necessary.
- 4.5. Staff members directly involved in the complaint/appeal will not participate in the investigation.

- 4.6. Where the Complainant/Appellant is requested to participate in a meeting regarding the investigation they are permitted to bring a support person if they choose.
- 4.7. The Complainant/Appellant may request a meeting to further discuss their submission at any time during this process.
- 4.8. Once a decision has been made the CEO will notify the Complainant/Appellant in writing of the decision made, including rationale behind the decision.
- 4.9. The Complainant/Appellant will be advised at this point they can continue this Complaint/Appeal with an external party as outlines in *Step 4: External Investigation and Review* of this policy and procedure.

5. Step 4: External Investigation and Review

- 5.1. Complainant/Appellants have the right to request an external third party review the Complaint/Appeal once Steps 1 – 3 have been completed.
- 5.2. Where a Complainant/Appellant chooses this, a cost may be incurred. This cost may vary dependant on the consultant engaged but will not exceed \$200 per session.
- 5.3. External consultants who may be engaged could consist of:
 - **Workplace Conflict Resolution:** <http://workplaceconflictresolution.com.au/>
 - **HR4Business:** <http://hr4business.com.au/Home.php>
- 5.4. AGB Training will participate openly and honestly with external third party and all previous submissions, notes of investigation and records will be made available to the external third party for review.
 - 5.4.1. Relevant staff will be made available to participate in this investigation.
 - 5.4.2. AGB Training will accept and act upon decisions made by the external investigator to resolve the Complaint/Appeal immediately.

6. Other Avenues to submit a complaint:

- 6.1. This policy does not remove the rights of individuals to submit complaints and AGB Training to external authorities.
- 6.2. If still dissatisfied with the outcome the Complainant/Appellant may wish to lodge a complaint directly to the following bodies:
 - **Australian Skills Quality Authority (ASQA):** ASQA accepts complaints about training providers from students, their representatives, and other members of the community.
For more information: <https://www.asqa.gov.au/complaints>
 - **Victorian Department of Education and Training:** Feedback and complaints may be directed to the Department regarding the conduct of registered training organisations (RTOs) in the government subsidised training market, including: aspects of training service delivery; RTO behaviour in the market; or potential misconduct including misclaiming of training funds.
For more information: <http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx>
 - **Consumer Affairs Victoria:** Consumer Affairs Victoria (CAV) assists consumers when the product or service provided by a business does not meet the expectation of what was paid for, and the consumer has been unable to resolve the issue or dispute directly with the business (such as an RTO). CAV provides advice and conciliation services.

For more information: www.consumer.vic.gov.au

- **Commonwealth Ombudsman – Overseas Students:** Investigates complaints about problems that intending, current or former overseas students have with private schools, colleges and universities (education providers) in Australia.

For more information: <http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page>

7. Record Keeping and Privacy

- 7.1. All records of complaints and appeal submissions and their outcomes will be securely retained and details recorded on the *Complaints and Appeals Register*.
- 7.2. Only relevant staff will have access to the information contained in each Complaint/Appeal submission.
- 7.3. All documentation arising from the complaint or appeal will be recorded and held for five years and access to these records will be available on application within ten business days subject to confidentiality.
- 7.4. All Complaints and Appeals will comply with AGB Training's *Records Management and Privacy Policy*.

8. Outcome and Continuous Improvement

- 8.1. Where the outcome of a Complaint/Appeal identifies the need to change a process or identified the opportunity for improvement, this information will be processed and actioned as per the *Continuous Improvement Policy and Procedure*.

Procedure

1. Step 1: Informal

Steps	Details	Person/s Responsible
1.1	Where an individual approaches an AGB Staff Member regarding a potential formal complaint or appeal the relevant AGB Staff Member should attempt to resolve the issues in a fair and efficient manner.	Relevant AGB Training Staff Member.
1.2	Where the individual is dissatisfied with the outcome at this point, refer the individual to this <i>Complaints and Appeals Policy and Procedure</i> and to the <i>Complaints and Appeals Form</i> available on the AGB Training website.	
1.3	Encourage the individual to read the <i>Complaints and Appeals Policy and Procedure</i> prior to submitting the <i>Complaints and Appeals Form</i> and allow them to clarify any items at this point.	

2. Step 2: Formal – Investigation and Review

Steps	Details	Person/s Responsible
2.1	Submission of <i>Complaints and Appeals Form</i> received and forwarded to Operations Manager.	Student Support Officer.
2.2	Complainant/Appellant notified in writing upon receipt of submission.	Operations Manager.
2.3	The Operations Manager will table the submission on the agenda for the weekly Operations Meeting and action items will be discussed and agreed upon.	
2.4	Investigation conducted and findings recorded on <i>Complaints and Appeals Form</i> .	
2.5	Ensure that staff members involved in the complaint/appeal are not utilised in assisting to determine the outcome of the complaint/appeal.	
2.6	Attempt to resolve the complaint/appeal within 30 calendar days.	
2.7	Where more than 60 calendar days may be required notify the Complainant/Appellant in writing and outline why more time may be required.	
2.8	Where more than 60 days is required ensure Complainant/Appellant is updated regularly in writing of the progress of the complaint/appeal.	
2.9	Decision of outcome made and Complainant/Appellant notified in writing with rationale behind decision. Also outline opportunity for Complainant/Appellant to appeal the decision as per <i>Step 3: Formal – Investigation and Review</i> of this policy and procedure.	

3. Step 3: Formal - Internal Investigation and Review

Steps	Details	Person/s Responsible
3.1	Where the Complainant/Appellant is dissatisfied with the outcome of <i>Step 2: Formal – Investigation and Review</i> and notifies the Operations Manager, the submission (including all notes and evidence gathered during the previous investigation) must be forwarded to the Chief Executive Officer (CEO)	Operations Manager.
3.2	Complainant/Appellant notified in writing upon receipt of second submission.	Chief Executive Officer.
3.3	Previous investigation notes, evidence, findings and rationale behind findings will be reviewed and where relevant further investigation will be conducted.	
3.4	Ensure that staff members involved in the complaint/appeal are not utilised in assisting to determine the outcome of the complaint/appeal.	
3.5	Attempt to resolve the complaint/appeal within 30 calendar days.	
3.6	Where more than 60 calendar days may be required notify the Complainant/Appellant in writing and outline why more time may be required.	
3.7	Where more than 60 days is required ensure Complainant/Appellant is updated regularly in writing of the progress of the complaint/appeal.	
3.8	Decision of outcome made and Complainant/Appellant notified in writing with rationale behind decision. Also outline opportunity for Complainant/Appellant to appeal the decision as per <i>Step 4: External Investigation and Review</i> of this policy and procedure.	

4. Step 4: External Investigation and Review

Steps	Details	Person/s Responsible
4.1	Where an individual advises their intent to request an external investigation to be conducted AGB Training will outline costs to all parties associated.	Chief Executive Officer.
4.2	All relevant AGB Training Staff involved in the investigation will be open and transparent during the investigation and all evidence will be provided.	AGB Training Staff Members.
4.3	Outcomes of investigation will be acted upon immediately and recorded through as per the <i>Continuous Improvement Policy and Procedure</i> .	Operations Manager / Compliance Manager

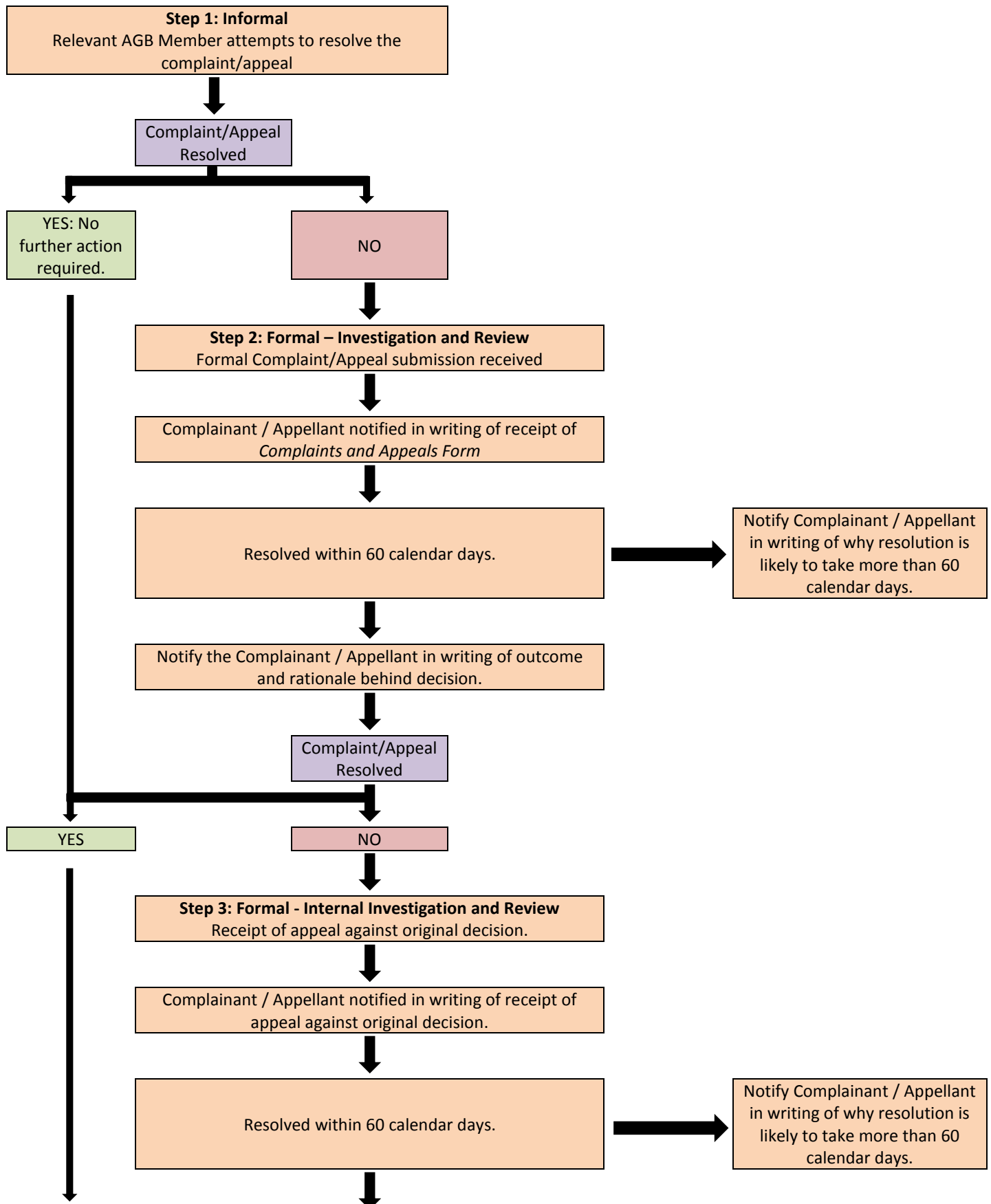
5. Record Keeping and Privacy

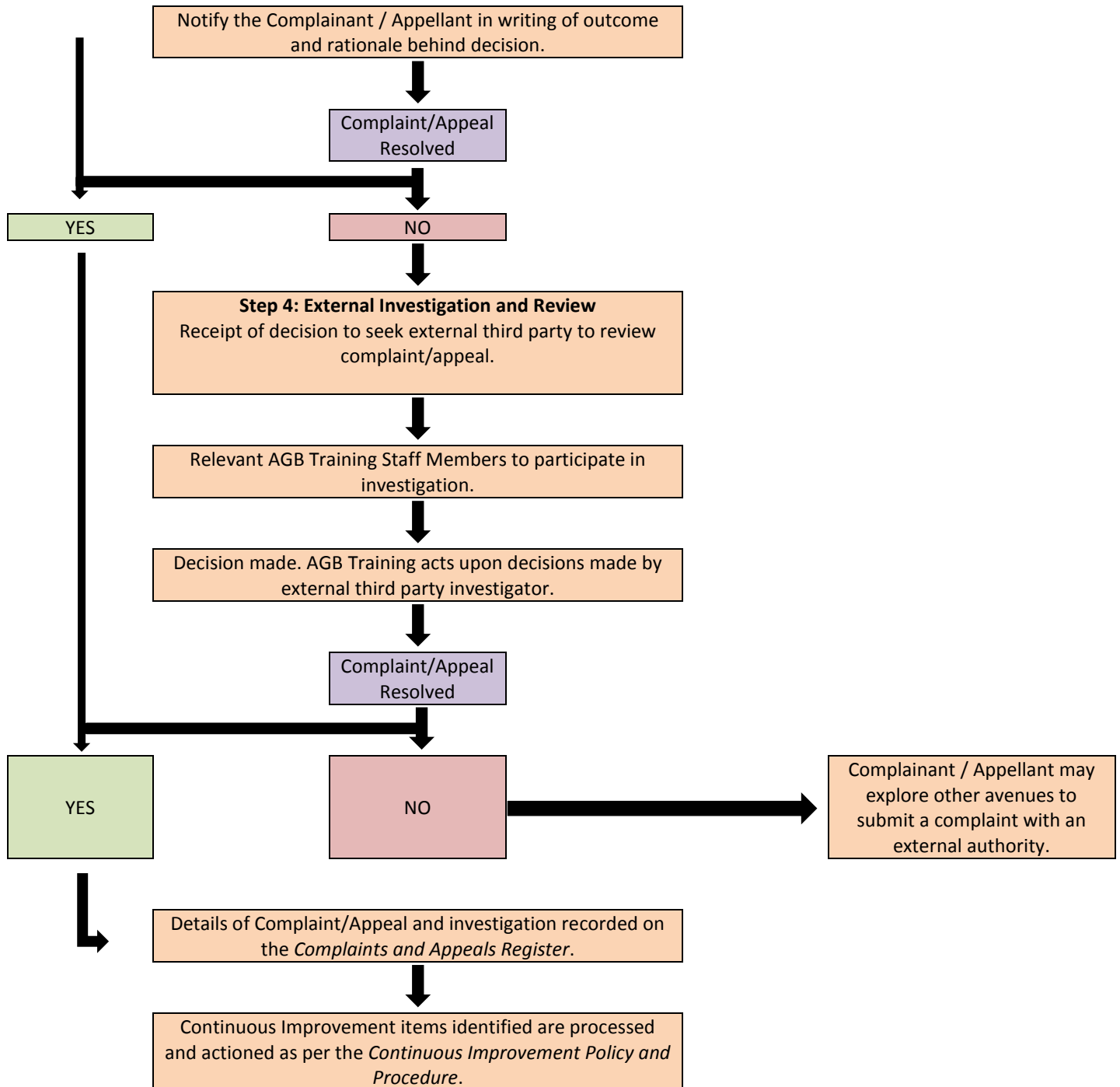
Steps	Details	Person/s Responsible
5.1	Notes about actions taken must be recorded on the <i>Complaints and Appeals Form</i> and evidence attached.	Operations Manager / Chief Executive Officer.
5.2	Actions and outcomes of investigation (at all parts of the investigation) must be recorded in the <i>Complaints and Appeals Register</i> .	
5.3	Evidence must be retained electronically in a secure location for five years. Access is permitted to only those delegated by the Chief Executive Officer.	

6. Outcome and Continuous Improvement

Steps	Details	Person/s Responsible
6.1	Where AGB Training identifies the need to change a process or identified the opportunity for improvement, this information will be processed and actioned as per the <i>Continuous Improvement Policy and Procedure</i> .	Compliance Manager.
6.2	Outcomes from Step 4: External Investigation and Review will be acted upon immediately.	

7. Complaints and Appeals Flow Chart





Definitions

Appeal	A request to have a decision reconsidered.
Appellant	A party who requests an appeal.
ASQA	Australian Skills Quality Authority the National VET Regulator.
Complaint	An expression of grief, pain or dissatisfaction. A formal allegation against a party.
Complainant	A party who makes a complaint.
RTO	Registered Training Organisation.
Stakeholders	Parties involved in or affected by the organisation.
Third Party Provider	Any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee. Source: ASQA Standards for Registered Training Organisations (RTOs) 2015
VET	Vocational education and training.

Referencing Documents:

- Standards for Registered Training Organisations (RTOs) 2015, Fact Sheets and General Directions
- Australian Qualifications Framework (AQF) and policies
- Education Services for Overseas Students Act 2000
- Victorian VET Funding Contract, Guidelines and Contract Notifications
- VicRoads Accredited Provider Services Agreement, Heavy Vehicle Business Procedure Manual and Gazettes
- WorkSafe Victoria Standards and Notifications

Responsible Department:	Student Support Department.	Approved By:	Chief Executive Officer.
Policy Mapping:	ASQA Standards Clauses: 2.2, 6.1, 6.2, 6.3, 6.4, 6.5 Victorian Funding Contract - Schedule 1: 1.7		