

Earnshaw State College, RTO 30088

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 public to the School/College community by being made available on the RTO's website, 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.

Earnshaw State College ensures that all formal 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 formal complaints and appeals will be securely maintained in a Register of Complaints and Appeals and appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence will be taken.

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.

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:

- Ensuring the correct implementation of this policy and related procedures with delegated responsibility to the RTO Manager.
- Approving and ensuring the correct implementation of this policy and related procedures;

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- Delegating the responsibility of receiving and recording 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 formal complaints and appeals on the register;
- Providing the CEO with details of the complaint or appeal;
- Meeting with the CEO to discuss and possibly decide on an outcome;
- If an outcome is not reached, coordinating and convening the Complaint and Appeal Committee;
- When an outcome is reached notifying the complainant/appellant in writing of the decision and recording this in the Complaints and Appeals Register;
- In the case of the complainant/appellant being unsatisfied with the outcome of the decision, organising an independent third party to review the decision and mediate; 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 *Trainer and Assessor* is responsible for:

- Reviewing evidence provided by the complainant/appellant in an informal complaint and making a documented decision regarding this; and
- Participating in the complaint and appeal process as requested by the RTO Manager or CEO.

5. Procedures

The initial stage of any complaint or appeal shall be for the complainant/appellant to communicate (verbally or in writing) directly with the Trainer and Assessor who will make a decision and record the outcome of the complaint.

Learners dissatisfied with the outcome of the complaint to the Trainer and Assessor may then escalate the 'complaint or appeal' to the RTO Manager.

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A complaint or appeal may only proceed after the initial stage complaint procedure has been finalised and will follow the procedure below:

- At this stage, all complaints or appeals will be in writing addressed to the CEO and submitted to the RTO Manager;
- On receipt of a written complaint or appeal the RTO Manager shall reply in writing to acknowledge receipt of the complaint, then inform the CEO;
- The RTO Manager and the CEO will meet to discuss the complaint or appeal and 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 CEO, a member of staff and a representative of the School/College community;
- Processes must follow the principles of natural justice and procedural fairness at every stage Refer to <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/good-decision-making> and <https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/use-and-disclosure/natural-justice,-disclosure,-and-privacy>);
- When a decision is reached this will be communicated in writing to the complainant/appellant within 60 calendar days of the complaint or appeal being received as well as being recorded on the Complaints and Appeals Register;
- If the decision will take longer than 60 calendar days the complainant/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;
- The complainant/appellant 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 Complaints and Appeals Register;
- If the complainant/appellant is still not satisfied, the CEO will appoint an independent third party (outside the RTO) to mediate with costs being communicated to all parties prior to commencement;
- If the complainant/appellant is still not satisfied, the CEO will refer them to the QCAA website for further information about making complaints (www.qcaa.qld.edu.au/3141.html);

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- After the complaint or 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](#)