



Complaints and Appeals PROCEDURE

Version Control	
Author:	CEG – Training Partnerships
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Version:	5
This version:	This version replaces all previous Complaints and Appeals Procedures of CEG – Training Partnerships
References:	<ul style="list-style-type: none"> Standards for Registered Training Organisations (RTO's) 2015 National Vocational Education and Training Regulator Act 2011
Related documents:	<ul style="list-style-type: none"> 041-TP-POL – Complaints and Appeals Policy 042-TP-FRM – Student Complaint Form 043-TP-REG – Complaints Register 045-TP-REF – Student Code of Behaviour 046-TP-REF – CEG-TP Code of Practice
Relationship to Standards	
Standard 2 Clause 2.2 (b)	<p>The RTO:</p> <p>b) systematically evaluates and uses the outcomes of the evaluations to continually improve the RTO's training and assessment strategies and practices. Evaluation information includes but is not limited to quality/performance indicator data collected under Clause 7.5, validation outcomes, client, trainer and assessor feedback and complaints and appeals.</p>
Standard 6 Clause 6.1	<p>The RTO has a complaints policy to manage and respond to allegations involving the conduct of:</p> <p>a) the RTO, its trainers, assessors or other staff;</p> <p>b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or</p> <p>c) a learner of the RTO.</p>
Standard 6 Clause 6.2	<p>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</p>
Standard 6 Clause 6.3	<p>The RTO's complaints policy and appeals policy:</p> <p>a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</p> <p>b) are publicly available;</p> <p>c) set out the procedure for making a complaint or requesting an appeal;</p> <p>d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</p> <p>e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.</p>
Standard 6 Clause 6.4	<p>Where the RTO considers more than 60 calendar days are required to</p>

	<p>process and finalise the complaint or appeal, the RTO:</p> <p>a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</p> <p>b) regularly updates the complainant or appellant on the progress of the matter.</p>
Standard 6 Clause 6.5	<p>The RTO:</p> <p>a) securely maintains records of all complaints and appeals and their outcomes; and</p> <p>b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence</p>

Approval

Approved by: Anika Duffy

Signature:



Purpose

The purpose of this procedure is to define the system available to students for dealing with student complaints and appeals

Scope

The scope of this procedure is limited to informal complaints, formal complaints, internal appeals and external appeals.

Responsibilities

1.

The Compliance Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application

General Principles

Complaints and appeals will be recorded, acknowledged and dealt with fairly, efficiently and effectively.

All students and staff have the right to have their grievances heard and responded to.

Throughout the complaints and appeals process all parties will be treated with courtesy and respect.

The complaints and appeals process will aim to reach a mutually agreeable resolution.

Guidelines and limitation

This procedure is designed to enable complaints to be made and resolved involving any or all of:

- CEG – Training Partnerships, its trainers, assessors or other staff;
- a third party providing services on CEG – Training Partnerships behalf, its trainers, assessors or other staff; or
- a learner of CEG – Training Partnerships.

Students who are concerned about the conduct of CEG – Training Partnerships are encouraged to attempt to resolve their concerns using this procedure.

The procedure will be implemented at no cost to the student.

The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information

Where the CEG-Training Partnerships considers more than 60 calendar days are required to process and finalise the complaint or appeal, CEG – Training Partnerships:

- 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.

All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.

All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.

CEG – Training Partnerships will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

Students will be provided with details of external authorities they may approach, if required

At any stage in the complaint or appeal process students are entitled to have their own nominee included to accompany and support them.

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

For complaints and appeals:

- The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
- The student may be accompanied and assisted by a support person at any relevant meetings.
- Students will be notified in the event that any complaint or appeal will take longer than 60 days to finalise.
- At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.

A student's enrolment will normally be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where CEG – Training Partnerships is intending to cancel a student's enrolment

CEG – Training Partnerships will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by CEG – Training Partnerships.

If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the Chief Executive Officer) to the Management Meeting so the matter can

	<p>be recorded in CEG – Training Partnerships Complaints Register and be used as part of the continuous improvement activities of CEG – Training Partnerships.</p> <p>Nothing in this procedure inhibits student’s rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:</p> <ul style="list-style-type: none"> • Contact a solicitor; or, • Contact the Law Institute for South Australia
Procedure	
1.	<p>Informal Complaint Process</p> <p>1.1 Any student with an issue, question or complaint may raise the matter with staff of CEG – Training Partnerships and attempt an informal resolution of the complaint.</p> <p>1.2 Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following CEG – Training Partnerships staff members who are responsible to try and resolve the issue, question or complaint with the student:</p> <ul style="list-style-type: none"> • Trainer • Training Manager • Compliance Manager <p>1.3 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the Chief Executive Officer) to the Management Meeting so the matter can be recorded in CEG – Training Partnerships Complaints Register and be used as part of the continuous improvement activities of CEG – Training Partnerships.</p> <p>1.4 The staff member will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.</p> <p>1.5 Students who are not satisfied with the outcome of their discussion of the complaint are encouraged to register a formal complaint by:</p> <ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be requested from the Compliance Manager; • Completing the Student complaint form; • Lodging the Student complaint form with the Compliance Manager. <p>1.6 Students having difficulty completing the Student complaint form should ask a trainer, the Training Manager or the Compliance Manager to assist them.</p> <p>1.7 Once the Student complaint form is lodged with the Compliance Manager it will be dealt with as described in the formal complaint process below.</p>
2.	<p>Formal Complaint Process – preamble</p> <p>2.1 The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information.</p>

	<p>2.2 A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.</p> <p>2.3 Formal complaints must be lodged using the Student complaint form which can be requested from the Compliance Manager.</p> <p>2.4 Formal complaints must be recorded in the student's files</p>
3.	<p>Formal Complaint Process – details</p> <p>3.1 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.</p> <ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be requested from the Compliance Manager; • Completing the Student complaint form; • Lodging the Student complaint form with the Compliance Manager. <p>3.2 Once completed the complaint form is to be lodged with the Compliance Manager who will arrange for the complaint to be entered on CEG – Training Partnerships complaint register and arrange for an appropriate staff member to meet with the student to discuss the complaint.</p> <p>3.3 During the formal complaint process:</p> <ul style="list-style-type: none"> • Students will have an opportunity to formally present their case to the staff member, in writing or in person at no cost to the student • Students may be accompanied and assisted by a support person at any meetings involving the complaint. <p>3.4 Complaints can only be dealt with by the Training Manager, the Compliance Manager or the Chief Executive Officer. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing. In the event that the Training Manager, the Compliance Manager and the Chief Executive Officer are not eligible to hear the complaint then the complaint must be directed to an external person at no cost to the student.</p> <p>3.5 The external person to hear a student complaint on behalf of a student is to be engaged from the:</p> <p>National Complaints Hotline The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/ authority/ jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:</p> <ul style="list-style-type: none"> - Calling: 13 38 73, Monday–Friday, 8am to 6pm nationally. - Email: skilling@education.gov.au <p>For more information about the National Complaints Hotline, refer to the following webpage: https://www.employment.gov.au/national-training-complaints-hotline</p>

	<p>From 31st October 2019, the Office of the Training Advocate is no longer offering the service to act as an External Appeals body for South Australian education and training providers. The Office of the Training Advocate will continue to provide:</p> <ul style="list-style-type: none"> - advocacy services for both domestic and international students; - assistance in the resolution of disputes through independent mediation. <p>More information on the services offered by the Office of the Training Advocate can be found at following link: www.trainingadvocate.sa.gov.au</p> <p>3.6 The role of the appropriate staff member involved is to:</p> <ul style="list-style-type: none"> • Assist the student register their formal complaint • Ensure the resolution phase commences within 5 working days of the written complaint being lodged • Provide the student, or the student's representative, with an opportunity to present their complaint • Ensure they fully understand the students complaint • Work with the student to identify how the complaint can be resolved to the satisfaction of the student • Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution • Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document • Arrange for the proposed resolution to be signed off by the student. • Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution. • Ensure that the details of the complaint are recorded in CEG – Training Partnerships Complaints Register and reported (via the Training Manager report) to the Management Meetings for continuous improvement purposes. • Advise the student to take the complaint to appeal if a resolution cannot be agreed upon
4.	<p>Formal Complaint Process – finalisation</p> <p>4.1 At the end of the resolution phase the appropriate staff member will report CEG – Training Partnerships decision in writing to the student within 5 working days. CEG – Training Partnerships decision and reasons for the decision will be documented by the Compliance Manager and placed in the students file. A copy of this document will be provided to the student.</p> <p>4.2 Following the resolution phase CEG – Training Partnerships will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint</p> <p>4.3 If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported, by the Compliance Manager, in writing (via email to the Chief Executive Officer) to the Continuous Improvement Group so the matter can be recorded in CEG – Training Partnerships Complaints Register and be used as part of the continuous improvement activities of CEG – Training Partnerships.</p> <p>4.4 Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against CEG – Training Partnerships decision by:</p>

	<ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be obtained from the Compliance Manager; • Completing the Student complaint form noting that it is an appeal; • Lodging the Student complaint form with the Compliance Manager. <p>4.5 Once the Student appeal form is lodged with the Compliance Manager it will be dealt with as described in the Internal Appeal Process below.</p>
5.	<p>Internal Appeal Process – preamble</p> <p>5.1 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by CEG – Training Partnerships.</p> <p>5.2 Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by CEG – Training Partnerships are encouraged to appeal against the decision by:</p> <ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be requested from the Compliance Manager • Completing the Student complaint form • Lodging the Student complaint form with the Compliance Manager <p>5.3 A student’s enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.</p> <p>5.4 The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing.</p> <p>5.5 A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.</p>
6.	<p>Internal Appeal Process - general</p> <p>6.1 Internal appeals (except assessment appeals) will be heard by a 3 person Appeals Panel selected from CEG – Training Partnerships Chief Executive Officer, the Training Manager, compliance and educational consultants, and members of the teaching staff of CEG – Training Partnerships (the Appeals Panel). No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.</p> <p>6.2 The role of the Appeal Panel is to:</p> <ul style="list-style-type: none"> • Ensure the appeal phase commences within 5 working days of the written appeal being lodged • Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal Panel • Ensure they fully understand the students appeal • Review the evidence and information provided by the student, or the students representative, and CEG – Training Partnerships • Make an independent decision, based on the evidence to either support the students appeal, and reverse the decision by CEG – Training Partnerships that lead to the

	<p>appeal or to support CEG – Training Partnerships case and proceed with the original decision.</p> <ul style="list-style-type: none"> • Arrange for the decision to be signed off by the student and the Chief Executive Officer (this is not agreement by the student but to record that the decision has been transmitted to the student) <p>Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student.</p>
7.	<p>Internal Appeal Process - assessment</p> <p>7.1 Students appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by CEG – Training Partnerships. Costs of reassessment will met by CEG – Training Partnerships.</p> <p>7.2 The recorded outcome from the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.</p> <p>7.3 Only one assessment appeal will be allowed.</p>
8.	<p>Internal Appeal Process – finalisation</p> <p>8.1 The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and CEG – Training Partnerships and placed in the student file. A copy of this document will be provided to the student.</p> <p>8.2 Following the internal appeals phase CEG – Training Partnerships will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through CEG – Training Partnerships continuous improvement process.</p> <p>8.3 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the Chief Executive Officer) to CEG – Training Partnerships Continuous Improvement Group so the matter can be recorded in CEG – Training Partnerships Complaints Register and be used as part of the continuous improvement activities of CEG – Training Partnerships.</p> <p>8.4 There are no further avenues within CEG – Training Partnerships for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available</p> <p>8.5 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:</p> <ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be requested from the Compliance Manager • Completing the Student complaint form and noting that it is an External appeal on the form. • Lodging the Student complaint form with the Training Manager <p>8.6 Once the Student complaint form is lodged with the Training Manager it will be dealt with as described in the External Appeal Process below.</p>
9.	<p>External Appeal Process</p>

	<p>9.1 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:</p> <ul style="list-style-type: none"> • Obtaining a copy of the Student complaint form which can be requested from the Compliance Manager • Completing the Student complaint form and noting that it is an External appeal on the form. • Lodging the Student complaint form with the Training Manager <p>9.2 The purpose of the external appeals process is to consider whether CEG – Training Partnerships has followed its student complaint and appeals procedure, not to make a decision in place of CEG – Training Partnerships. For example, if a student appeals against his or her subject results and goes through CEG – Training Partnerships internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.</p> <p>9.3 For external appeals the independent mediator will be the IAMA (Institute of Arbitrators and Mediators Australia) phone (03) 9602 1711. The cost of mediation is to be shared equally between the parties involved in mediation.</p> <p>9.4 The external appeals procedure will be determined by the IAMA.</p> <p>9.5 Following the receipt of the outcome of the external appeal CEG – Training Partnerships must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint</p>
Additional Information	