

Policy & Procedures

Complaints and Appeals



Purpose

This Complaints and Appeals Policy and Procedure ensures that Endeavour Institute of Training and Education (EITE) responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of the Standard 6 of the Standards for RTOs 2015.

Scope

This policy and procedure apply to both enrolled and prospective learners at EITE.

Responsibility

The CEO is responsible for the implementation of this policy and procedure and ensuring that staff and learners are made aware of its application.

Definitions

Appellant refers to a person who has lodged an appeal to review a decision made by EITE.

Complainant refers to a person who has lodged a complaint with EITE.

Complaint means a person's expression of dissatisfaction with any service provided by EITE including academic and non-academic matters.

Appeal refers to the process where a learner requests for the case to be reviewed if dissatisfied with a decision made by EITE.

Academic matters include those matters which relate to learner progress, assessment, course content or awards in a course of study.

Non-academic matters include those matters related to learner enrolment, induction, or orientation process, quality of education and discrimination or harassment that the learner may have experienced.

Learner/s refers to all persons enrolled or seeking to enrol in a unit of study/course under any subsidised or full fee paying learners.

Natural Justice means fairness in the process in the handling of complaints and appeals that involves all of the following elements:

- The right to a fair hearing
- The right to attend hearings with a friend or support person, if required
- The opportunity for all parties involved to be heard
- The respondent having full knowledge of the nature and substance of the complaint
- The Complainant not determining the outcome, but may be a party to it
- The right to independent, unbiased decision-making
- A final decision that is based solely on the relevant evidence.

Policy

EITE understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.

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This Complaints and Appeals Policy and Procedure will be provided to all staff and learners as part of staff and learner induction programs and will be made publicly available on EITE's website (www.eite.edu.au) and a Student Handbook.

EITE will ensure that:

- It has necessary structure in place to deal with complaints and appeals.
- All prospective learners will be provided with information about the Complaints and Appeals Policy and Procedure prior to enrolment.
- The principles of Natural Justice shall apply to learner complaints and appeals proceedings.
- Learners will be provided with details of external appeal authorities they may approach, if required.
- All complaints and appeals will be handled professionally and confidentially. For internal complaints and appeals:
 - the learner will have an opportunity to formally present their case, in writing or in person and at no cost to the learner;
 - the learner may be accompanied and assisted by a support person at any relevant meetings;
 - at the conclusion of the appeal meeting, the learner will be given a written statement of the outcome, including details of the reasons for the outcome.
- The learner's enrolment will be maintained while an internal complaint or appeal is in progress.
- EITE will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- Where a complaint or appeal cannot be resolved through conciliation, the learner may contact an appropriate external and independent agent to review the decision implemented by EITE.
- If a learner complaint or appeal highlights a systemic issue requiring change, the issue will be reported at EITE's management meeting as part of the continuous improvement process.
- Nothing in this policy restricts the learner's right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the learner to take action under Australia's consumer protection laws.
- All complaints are managed fairly, equitably, efficiently and in a timely manner.
- The complainant and the respondent will not be discriminated against or victimised.
- The complainant and the respondent will have the opportunity to present their case at each stage of the procedure.
- The complainant and/or the respondent will have the right to have a representative present during any negotiations with EITE or its appointed representatives.

- The complainant and/or the respondent will have the right to appeal a decision.
- Discussions relating to complaints and appeals will be recorded in writing. Reasons and full explanation for decisions and actions taken as part of this process will be provided to the complainant and/or respondent in writing.
- Outcome of the complaints and appeals process will be recorded in the complaints and appeals register and maintained in accordance with EITE's Records Archiving Policy.
- All staff will be communicated and trained to ensure that they understand this policy and procedure and its application.

Procedure

Informal Complaint

Learners are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned or staff at the Student Administration before it becomes a formal complaint. Student Administration can assist learners to resolve their issues at this level.

Assuming it is agreed that the complaint is dealt through this informal complaint procedure, the staff member who is consulted, shall discuss the complaint fully with the complainant and with the complainant's consent, anyone else involved, to see if it can be resolved informally. This may involve referral of the complaint to a third party.

Complaints dealt in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the EITE staff involved determine that the issue in question or complaint is relevant to the wider operation of EITE.

Formal Complaint

If complaints are not resolved through an informal process, learners can initiate the formal complaint procedure, which will take place in three stages:

Stage 1: Formal Complaint

Formal complaints should be submitted in writing to Student Administration.

Student Administration or a delegate, will consider and investigate the complaint within ten (10) working days from the date submitted by the complainant.

In this process, Student Administration may seek information and clarification by written or verbal request or by face-to-face interview with the complainant and/or the respondent. When such clarification occurs in a face-to-face interview, the complainant or respondent may ask another person to accompany him or her.

Student Administration will then endeavour to resolve the complaint and will provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision. The complainant will be notified of their decision in writing within ten (10) working days.

If a complaint investigation time exceeds the above timeframe, Student Administration will notify the complainant in writing, the reason and the new timeframe.

The complainant will be advised of their right to access an Internal Appeals process (Stage 2) if they are not satisfied with the outcome of the complaint in Stage 1.

Stage 2: Internal Appeal (*continuing from formal complaint or outcome from alternate process*)

Where the complainant is not satisfied with the outcome of the formal complaint in Stage 1 (Formal Complaint), or for an individual who is not satisfied with an outcome of an alternate process, they may lodge an appeal in writing within ten (10) working days of receiving notification of the outcome of their respective matter/formal complaint.

An Internal Appeal Process is initiated when the Appeal Form is lodged to Student Administration by the respective individual. The person lodging an appeal is referred to as an Appellant.

Within ten (10) working days of receiving the Appeal Form, the CEO will review the matter or convene an Appeal Committee to hear the appeal, deliberate and propose a final resolution. The CEO or an Appeal Committee is referred to as a "Reviewer". The appeal will be reviewed independent of the previous decision or decision maker/s. Where the Appeal Committee has been convened, if a member of the Committee has been involved in the complaint process, they will not be included in the Appeal Committee to ensure fair process. The Reviewer will conduct all necessary consultations with the Appellant and other relevant persons and determine the outcome of the appeal. The appellant or respondent may ask another person to accompany him/her at any meeting with the Reviewer.

The Reviewer may:

- a) uphold and confirm the decision
- b) vary the decision; or
- c) override the decision and make a new decision.

The Reviewer will advise the Appellant in writing of the outcome of the appeal, including the reasons for the decision, within ten (10) working days.

The Appellant will be advised of their right to have the decision reviewed by an independent external body (Stage 3- External Review) if they are not satisfied with the outcome.

Stage 3: External Review

If the Appellant is dissatisfied with the outcome of the Internal Appeal on Stage 2 (Internal Appeal), they may refer the decision for review by an external dispute resolution process facilitated by External Reviewer within twenty (20) days of the decision being made.

Learners can lodge their external appeal following organisations:

Resolution Institute

Phone: 1800 651 650

Website: <https://resolution.institute/>

Email: infoaus@resolution.institute

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National Training Complaints Hotline:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

Email: ntch@education.gov.au

Australian Skills Quality Authority (ASQA):

(Complaint about information provided by RTO's, the quality of delivery and assessment and qualifications issued or yet to be issued only)

<https://www.asqa.gov.au/complaints>

There may be cost involved with the external appeal process and EITE will equally share the cost with the Appellant/learners.

Both parties may ask another person to accompany them at any mediation meetings.

An External Reviewer will investigate the matter, make an assessment and advise the Appellant of the outcome.

If the External Reviewer makes recommendations in relation to a complaint they have reviewed, the External Reviewer will forward those recommendations to the EITE. EITE will give due consideration to any recommendation made as a result of the external review and will ensure that such recommendations are implemented within 20 working days.

Any improvement recommended will be entered into the continuous improvement register for enactment. The outcome of the complaints and appeals process will be recorded in the complaints and appeals register.

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

Related Documents

- Complaints and Appeals Form
- Learner Internal Appeals Form
- Complaints and Appeals Register

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Complaint and Appeal Procedures Flowchart	
Informal Complaint	You can discuss the issue with your teacher/trainer, Student Administration or any EITE staff that you feel comfortable with to resolve your complaints.
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Stage 2: Formal Complaint	If you are not satisfied, you can put your case in writing to Student Administration. You should use the Complaints & Appeals Form to lodge your formal complaint. This form can be obtained from Student Administration at the reception, or you can request via an email. Student Administration or a nominated EITE staff will investigate the complaint. A decision will be made within 10 working days and you will be notified in writing.
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Stage 2: Internal Appeal	If you are still not satisfied with the decision or complaints resolution, you can lodge an appeal to review the decision. You should use the Complaints & Appeals Form to lodge your formal complaint. This form can be obtained from Student Administration at the reception, or you can request via an email. ↓ EITE will appoint a Reviewer (CEO or an Appeal Committee) to hear the appeal within 10 days of you lodging your appeal in writing. A meeting will be organised so that you can discuss your concerns with the Reviewer. You will be advised in writing of the outcome within 10 working days of the meeting.
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Stage 3: External Appeal	If you are not satisfied with the outcome of the EITE internal appeal process, you can engage an External Reviewer to lodge an appeal within 20 working days of receiving the outcome of the internal appeal. You can lodge your external appeal following organisations: Resolution Institute Phone: 1800 651 650 Website: https://resolution.institute/ Email: infoaus@resolution.institute National Training Complaints Hotline: Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally Email: ntch@education.gov.au Australian Skills Quality Authority (ASQA): (Complaint about information provided by RTO's, the quality of delivery and assessment and qualifications issued or yet to be issued only) https://www.asqa.gov.au/complaints

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Complaint and Appeal Procedures Flowchart

	If you need help with lodging an external appeal, you may contact Student Administration at the reception. ↓ An External Reviewer will investigate the matter, make an assessment and advise the Appellant of the outcome. If the External Reviewer makes recommendations in relation to a complaint they have reviewed, the External Reviewer will forward those recommendations to the EITE. EITE will give due consideration to any recommendation made as a result of the external review and will ensure that such recommendations are implemented within 20 working days.
General Information	Your enrolment will be maintained throughout any internal complaints/ appeals process and until external appeal process has been completed. Both parties may ask another person to accompany them at any meetings during the internal and external complaints/ appeals. Nothing in this policy and procedure limits your rights to take action under Australia's Consumer Protection laws and it does not circumscribe your rights to pursue other legal remedies.