



MCE

VoCATIONAL SKILLS

DEPARTMENT

# Complaints, Appeals, Policy and Procedures

MARIST COLLEGE EMERALD RTO: 30330

# Complaints and appeals policy and procedure

Version: 21.01.19

School RTO approval statement					
<b>School RTO name</b>	Marist College Emerald - The Roman Catholic Trust Corporation for The Diocese of Rockhampton				
<b>Policy start date</b>	21/01/2019	<b>QCAA school number</b>	449	<b>National provider number</b>	30330
<p><b>The Principal as Chief Executive Officer (CEO) approves:</b></p> <ul style="list-style-type: none"> <li>the policy, procedure and implementation requirements</li> <li>all identified attachments to this policy and procedure</li> <li>all modifications to the policy and procedure prior to implementation</li> <li>the delegated Registered Training Organisation (RTO) officer/s to implement the policy and procedure</li> <li>the RTO Manager (RTOM) monitoring, evaluating and reviewing the application of this policy and procedure to ensure compliance at all times</li> <li>QCAA analysing these documents when conducting audits</li> <li>that email addresses provide the same acknowledgment as a signature.</li> </ul>					
RTO Manager			Principal		
<b>Name</b>	Ms A.Monique Evans		<b>Name</b>	Mr Mark Green	
<b>Email</b>	mce_rtomanager@rok.catholic.edu.au		<b>Email</b>	Mark_Green@rok.catholic.edu.au	
<b>Date</b>	21/01/2019		<b>Date</b>	21/01/2019	
All additional delegated officers (add additional places to this table as required)					
<b>Delegated officer</b>	Public Enquiries Assistant to the Principal – Curriculum Mrs Maria Parlato		<b>Delegated officer</b>	Mr Gregory Pullen Trainer / Assessor – Certificate II in Engineering Pathways	
<b>Email</b>	Maria_Parlato@rok.catholic.edu.au		<b>Email</b>	Gregory_Pullen@rok.catholic.edu.au	
<b>Date</b>	21/01/2019		<b>Date</b>	21/01/2019	
<b>Delegated officer</b>	Ms Catherine Nolan Trainer / Assessor – Certificate I in Business		<b>Delegated officer</b>	Mr Thane Williams Trainer / Assessor – Certificate I in Hospitality	
<b>Email</b>	Catherine_Nolan@rok.catholic.edu.au		<b>Email</b>	Thane_Williams@rok.catholic.edu.au	
<b>Date</b>	21/01/2019		<b>Date</b>	21/01/2019	

# About this policy and procedure

## Purpose

This policy and procedure addresses the VET Quality Framework (VQF) compliance requirements for dealing with complaint allegations and appeals. It enables students and stakeholders to be informed of and to understand their rights and the RTO's responsibilities under the Standards.

It represents how this RTO ensures compliance at all times. This document is maintained to an auditable standard and is updated whenever policy and/or practice change.

## Who should use it

All delegated RTO officers identified on page 1 of this policy and procedure.

## How to use it

All officers delegated to implement any part of the policy must:

- use the most current approved version
- ensure familiarity with the contents of each section
- use Section 3 checklist throughout the procedure for each complaint or appeal
- report any non-compliances to the RTO Manager.

The RTO Manager must:

- use Section 4 checklist to systematically monitor, evaluate and review the policy and procedure that is consistent with the RTO's quality management system.

## Identified attachment

- Register of complaints and appeals template

# Section 1 Policy and procedure

Section 1 sets out the RTO's policy and procedure for how it addresses a complaint or appeal received by the RTO relating to its officers, students and third parties providing services on behalf of the school RTO.

**Relevant Standards:** 2.2(b), 5.2 (d), (i), 6.1 to 6.5

## Complaints

Complaints policy and procedure			
Policy	Inform	Act	Record and review
<p>Complaints received by the RTO will be acknowledged in writing and finalised as soon as practicable.</p> <p>Complaints can involve the conduct of the RTO's officers, students and third party service providers of the RTO.</p> <p>Any RTO officer may receive a complaint verbally, in writing or electronically.</p> <p>The RTO identifies two types of complaints:</p> <ul style="list-style-type: none"> <li>• Type 1: allegations of inappropriate behaviour and/or regarding child protection. These allegations are processed according to the RTO's school complaints policy and procedure/s</li> <li>• Type 2: all other complaints.</li> </ul> <p>Without limiting the action in type (1) this complaints policy is publicly available and upholds the principles of natural justice and procedural fairness.</p> <p>A review of the issue/s that triggered the complaint is undertaken. The review aims to identify corrective action/s that will eliminate or mitigate the likelihood of a similar complaint occurring in the future.</p>	<p>On receipt of a complaint the delegated RTO Complaints officer:</p> <ul style="list-style-type: none"> <li>• provides written acknowledgment to the complainant</li> <li>• informs both the complainant and the respondent of their right to be assisted by a support person or representative throughout the complaint process</li> <li>• communicates on the progress of the proceedings to the complainant and the respondent throughout the complaint process</li> <li>• if the complaint relates to the conduct of a third-party service provider the Complaints officer informs the third party on receipt of the complaint and communicates progress on the proceedings with the third party.</li> <li>• All communication by the RTO complies with the RTO's Privacy policy and personal information management.</li> </ul>	<p>The RTO officer receiving the complaint forwards it to the RTO's Complaints officer unless it relates to the Complaints officer in which case it is forwarded to the Principal:</p> <p>For type 1 complaints, the Complaints officer actions the school's <i>Complaints policy and procedure in accordance with the student protection policy</i></p> <p>For type 2 complaints, the Complaints officer:</p> <ul style="list-style-type: none"> <li>• organises a mediation process that is non-threatening to the complainant</li> <li>• establishes a review by an appropriate party independent of the RTO if mediation has not resolved the complaint</li> <li>• refers the complainant to the QCAA website for further information about complaint processes if the complainant is still not satisfied. However, the students are informed that they may lodge a complaint to QCAA only after exhausting this Complaints and appeals policy and procedure.</li> </ul>	<p>The Complaints officer:</p> <ul style="list-style-type: none"> <li>• establishes a written record for each complaint received</li> <li>• updates the record throughout the complaint process.</li> </ul> <p>The RTO Manager:</p> <ul style="list-style-type: none"> <li>• registers the complaint in the RTO's <i>Complaints and appeals</i> register</li> <li>• securely retains all complaint records</li> <li>• reviews each complaint process to identify corrective action/s that eliminate or mitigate the likelihood of reoccurrence</li> <li>• ensures corrective action/s are implemented including those action/s impacting on any third-party arrangements.</li> </ul>

Records of complaints are securely retained and registered in the RTO's Complaints and appeals register.			
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<b>Requirements for processing complaints</b>			
<b>Complaints</b>	<b>Forwarding complaints</b>	<b>Timeframe</b>	<b>Impacting policies and procedures</b>
<p>The receiving RTO officer informs the complainant that an appropriate delegated RTO officer will contact the complainant regarding the complaint.</p> <p>Whenever applicable the receiving RTO officer ensures that the safety of the complainant is maintained.</p>	<ol style="list-style-type: none"> <li>(1) For allegations of inappropriate behaviour or regarding child protection the receiving RTO officer immediately commences to implement the school's Complaints or Child Protection policy.</li> <li>(2) For all other complaints, the receiving officer forwards the complaint to the RTO's Complaints officer for processing.</li> <li>(3) The Complaints officer is responsible for ensuring a written record is established for all complaints received.</li> </ol>	<p>The Complaints officer finalises complaints within 60 calendar days. If more than 60 days is required the appellant and respondent are informed in writing of the reasons for the need to extend the time required to finalise the complaint.</p>	<p>Policies which must to be considered in conjunction with this policy and procedure include the school's:</p> <ul style="list-style-type: none"> <li>• privacy policy</li> <li>• student protection policy.</li> </ul>

# Appeals

Appeals policy and procedure				
Policy	Inform	Act	Record	Review
<p>All VET appeals received by the RTO will be acknowledged in writing and finalised as soon as practicable.</p> <p>Two types of appeal may be lodged:</p> <p>(1) Final assessment decision or</p> <p>(2) Any other RTO decision.</p> <p>This policy is publicly available and upholds the principles of natural justice and procedural fairness.</p> <p>A record of each appeal process is reviewed to identify and implement corrective action/s that aim to eliminate or mitigate the likelihood of reoccurrence.</p> <p>Records of appeals are securely retained and registered in the RTO's <i>Complaints and appeals</i> register.</p>	<p>The RTO Manager provides written acknowledgment to the appellant.</p> <p>On receipt of an appeal the RTO Manager informs a third party of the appeal if the appeal relates to a decision made by an employee of the third party.</p> <p>The RTO Manager communicates the progression of the appeal to all parties throughout the appeals process.</p>	<p>(1) When appealing final assessment results the RTO Manager actions the following process:</p> <ul style="list-style-type: none"> <li>appellant's trainer/assessor reviews the decision</li> <li>if the appellant is not satisfied an independent trainer/assessor reviews the assessment decision</li> <li>if the appellant is still not satisfied the RTO Manager refers the appellant to the RTO's complaints policy and procedure.</li> </ul> <p>(2) For all other appeals, the RTO Manager:</p> <ul style="list-style-type: none"> <li>reviews the original decision</li> <li>if the appellant is not satisfied an appropriate independent party reviews the RTO's decision</li> <li>if the appellant is still not satisfied the RTO Manager refers the appellant to the RTO's complaints policy and procedure.</li> </ul>	<p>The RTO Manager:</p> <ul style="list-style-type: none"> <li>establishes a written record for each appeal received</li> <li>updates the record throughout the appeal process</li> <li>registers the appeal in the RTO's <i>Complaints and appeals</i> register</li> <li>securely retains all appeal records.</li> </ul>	<p>The RTO Manager:</p> <ul style="list-style-type: none"> <li>reviews each appeal process to identify corrective action/s that eliminate or mitigate the likelihood of reoccurrence</li> <li>ensures corrective action/s are implemented including those action/s impacting on any third party arrangements.</li> </ul>
Requirements for processing appeals				
Appeals	Forwarding appeals	Timeframe	Assessment result appeals	
<p>Appeals must be submitted to the RTO in writing using the RTO's Appeal form.</p>	<p>If the appeal relates to a decision made by the RTO Manager the appeal is forwarded to the Principal for actioning.</p>	<p>The RTO Manager finalises appeals within 60 calendar days. If more than 60 days is required the appellant is informed in writing of the reasons for the need to extend the time required to finalise the appeal.</p>	<p>For assessment results appeals the RTO Manager ensures the appeals process is informed by the:</p> <p>(1) assessment requirements of the relevant training package/accredited course and</p> <p>(2) Principles of Assessment and the Rules of Evidence.</p>	

## Section 2 Explanation of terms

This policy and procedure contains words and expressions which have specific meaning.

Glossary	
Term	Meaning
<b>Appeal</b>	Is a request made by a student or stakeholder of the RTO to review or reconsider a decision made by an RTO officer or a third party providing services on behalf of the RTO.
<b>Appellant</b>	Someone appealing a decision of the school RTO.
<b>Appropriate independent party</b>	Is a person or persons independent of the RTO accepted as independent by both the complainant/appellant and the RTO and who holds expertise relevant to the complaint/appeal.
<b>Child/student protection</b>	A child in need of protection, as defined in s.10 of the <i>Child Protection Act 1999</i> (Qld), is a child who: <ul style="list-style-type: none"> <li>• has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and</li> <li>• may not have a parent able and willing to protect the child from the harm.</li> </ul> Refer to individual Sector websites.
<b>Complainant</b>	Any stakeholder who makes a complaint to the school RTO directly or through a third party nominated by the complainant.
<b>Complaint</b>	An objection to something that is considered by the complainant to be unfair and/or unacceptable. A complaint can be made verbally or in writing. Complaints include allegations.
<b>Delegated RTO Complaints officer</b>	Also referred to as the Complaints officer. A person delegated by the Principal to ensure the process followed in addressing complaints received by the RTO complies with this policy and procedure.
<b>Evaluate</b>	Assess the findings of the monitoring to determine if the complaints and appeals process is being followed and adhered to.
<b>Mediation</b>	The structured process in which an independent person, known as a mediator, assists the complainant/appellant and the respondent to identify the issue/s of concern and negotiate an outcome acceptable to both. The mediator must ensure at all times that the complainant/appellant does not feel threatened or at risk.
<b>Monitor</b>	The ongoing process of regularly collecting and analysing relevant information to determine if the requirements for handling complaints and appeals is being met.
<b>Natural justice</b>	The rule against bias and the right to a fair hearing. That is, a duty to act fairly and reasonably.
<b>Procedural fairness</b>	1) Procedural fairness relating to complaints and non-assessment appeals is concerned with the procedures used by a decision-maker rather than the outcome reached. It is considered that a decision-maker who follows a fair procedure will reach a fair and correct decision.  2) Procedural fairness relating to assessment appeals ensures the review process complies with the principles of assessment and rules of evidence outlined in the Standards.
<b>Record</b>	A securely maintained written, printed, or electronic document outlining a complaint or appeal and the outcomes resulting from the application of this policy and procedure.

<b>Respondent</b>	Someone subjected to a complaint or appeal. OR the person against whom a complaint or appeal is brought.
<b>Review</b>	Changes are made to practices or the agreement to ensure quality services are being delivered and meet the needs of the students.
<b>Stakeholder</b>	Anybody who can affect or is affected by the school RTO. They can be internal (students, parents/carers, employees, volunteers and third parties delivering services on behalf of the RTO) or external.
<b>Standards</b>	The current NVR Standards for Registered Training Organisations (RTOs).
<b>Systematic monitoring</b>	The process of collecting, analysing and using information to track progress towards maintaining compliance and consistency across the RTO's operations.
<b>Timeframe</b>	Number of calendar days between the receipt date of the complaint or appeal and the finalisation date of the review process. This timeframe should not exceed 60 calendar days. Refer to this policy and procedure for the process to be followed if this timeframe is not likely to be met.

# Section 3 Complaints and appeals checklists

When the Complaints and appeals policy requirements have been met the following checklist will be completed by the delegated RTO Complaints officer or the RTO Manager.

If 'No' is checked against any condition report to the RTO Manager, do not proceed.

Complaints and appeals register			
Record	N/A	Yes	No
The RTO Manager has established and maintains a secure Complaints and appeals register		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Complaints record and written acknowledgment</b>			
Written acknowledgment of receipt of the complaint has been given to the complainant by the RTO's Complaints officer		<input type="checkbox"/>	<input type="checkbox"/>
The Complaints officer has established a written record in the complaint register		<input type="checkbox"/>	<input type="checkbox"/>
<b>Complaints actions</b>			
If the complaint relates to inappropriate action/s and/or child safety the receiving RTO officer has immediately commenced implementing the school's <i>Child Protection</i> policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the complaint does not relate to inappropriate action/s and/or child safety, it has been forwarded to the RTO's Complaints officer for processing complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The RTO's Complaints officer has: (1) advised the complainant that they may be assisted by a support person or representative throughout the complaint process (2) notified the respondent of the receipt of a complaint relating to them and advised the respondent that they may be assisted by a support person or representative throughout the complaint process (3) organised mediation after negotiating a mediation process which is acceptable to the complainant and the respondent (4) maintained an auditable record of the complaint process and outcome/s (5) regularly updated complainant and respondent of the progress throughout the complaints process.		<input type="checkbox"/>	<input type="checkbox"/>
If the complainant is not satisfied with the outcome/s of mediation the Complaints officer has nominated an appropriate independent party to review the complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the complainant is still not satisfied with the outcome/s of the independent party review the Principal has informed the complainant that all complaint process options need to be exhausted before it can be reviewed by an external body or authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If all complaint review options have been actioned by the RTO the Principal has referred the complainant to the QCAA website for further options for resolving the complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The complainant and respondent have received in writing the final outcome/s of the complaint process		<input type="checkbox"/>	<input type="checkbox"/>
The RTO Manager who reviewed the complaints process has:		<input type="checkbox"/>	<input type="checkbox"/>

(1) identified potential causes and (2) taken appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence			
<b>Complaints process timeframe</b>			
The complaints process has been completed within a 60-calendar-day period		<input type="checkbox"/>	<input type="checkbox"/>
If not, the complainant and respondent have received in writing reasons why more than 60 days are required to finalise all matters relating to their complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <i>Complaints and appeals register</i> has been completed and the closed-out date recorded		<input type="checkbox"/>	<input type="checkbox"/>
<b>Retention of complaints and appeals record</b>			
The RTO Manager has ensured the secure retention of the complaint and appeals register for archival records and audit purpose.		<input type="checkbox"/>	<input type="checkbox"/>

Appeals			
<b>Appeals record and written acknowledgment</b>			
Written acknowledgment of receipt of the appeal has been given to the appellant by the RTO's delegated officer		<input type="checkbox"/>	<input type="checkbox"/>
The delegated officer has established a written record in the Complaints and appeals register		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeal actions for assessment outcome appeals</b>			
The RTO Manager has: (1) requested the appellant's trainer/assessor to review the assessment outcome (2) organised an independent trainer/assessor to review the assessment outcome if the appellant is not satisfied with the initial review (3) referred the appellant to the RTO's complaints policy for further possible options if they are still not satisfied with the outcome of the review (4) maintained an auditable record of the appeal process and outcome/s (5) regularly updated the appellant of the progress throughout the appeal process.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeal actions for all appeals other than assessment outcome appeals</b>			
The RTO Manager has: (1) reviewed the original RTO's decision (2) organised an appropriate independent party to review the original RTO's decision (3) referred the appellant to the RTO's complaints policy for further possible options if they are still not satisfied with the outcome of the review (4) maintained an auditable record of the appeal process and outcome/s (5) regularly updated the appellant of the progress throughout the appeal process.		<input type="checkbox"/>	<input type="checkbox"/>
The appellant has received in writing the final outcome/s of the appeal process		<input type="checkbox"/>	<input type="checkbox"/>
The RTO Manager has reviewed the appeal process to: 1) identify potential causes and 2) take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence		<input type="checkbox"/>	<input type="checkbox"/>
<b>Appeal process timeframe</b>			
The appeal process has been completed within a 60-calendar-day period		<input type="checkbox"/>	<input type="checkbox"/>
If not, the appellant has received in writing reasons why more than 60 days are required to finalise all matters relating to their appeal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <i>Complaints and appeals</i> register has been completed and the closed-out date recorded.		<input type="checkbox"/>	<input type="checkbox"/>

## Section 4 Systematic monitoring

Completing Section 4 satisfies the requirement of the Standard for systematic monitoring.

The RTO Manager will record the dates when monitoring activities occur, record the outcomes of the monitoring process and detail any rectifications required to ensure ongoing compliance

A 'No' indicates a non-compliance and must be reported to the RTO Manager. Appropriate rectification must be recorded and actioned.

**Relevant Standards:** 2.1, 2.2

Systematic compliance monitoring checklist		
Date of successive monitoring activities		Name of person/s conducting successive monitoring activities
14/01/2019	Completed	A.Monique Evans – RTO Manager
25/03/2019	Due: T1 W9 19	A.Monique Evans – RTO Manager
17/06/2019	Due: T2 W9 19	A.Monique Evans – RTO Manager
16/09/2019	Due: T3 W9 19	A.Monique Evans – RTO Manager
2/12/2019	Due: T4 W9 19	A.Monique Evans – RTO Manager

Monitoring activity		Record of last monitoring	
		Yes	No
<b>School RTO approval statement</b> (Page 1 of this document)	The following details are current and complete:		
	School RTO name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The policy and procedure document is dated (start date)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	QCAA school number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	National provider number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Principal's name and contact details	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	RTO Manager's name and contact details	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Policy and procedure</b> (Section 1 of this document)	All delegated officers' names and contact details	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Complaints and appeals policy represents current practice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Complaints and appeals procedures represent current practice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Complaints and appeals checklists</b> (Section 3 of this document)	Complaints and appeals requirements for processing represent current practice.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Procedures checklists are used to ensure complaints and appeals processes are followed and that records are complete.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Register of complaints and appeals template</b>	Current approved register of complaints and appeals template is attached.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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RTO Manager notes	
<b>Comment on the last monitoring activity</b>	Complaints and appeals policy and procedure in place. Complaints register kept in secure location on server. No formal or informal complaints received to date.
<b>List any non-compliances</b>	N/A
<b>List any rectifications</b>	N/A

# Attachment 1

## Current register of complaints and appeals template

Register of complaints network location: P:\620Teachers\Vet\RTO  
Management\HOD\CONFIDENTIAL Complaints and Appeals

To make a formal complaint, see the complaints and appeals form on our website:  
<http://www.maristcollegeemerald.com.au/vocational-education--training.html>