

Complaints and Appeals Policy & Procedure

Contents

Contents.....	1
Purpose	1
Scope.....	1
Definitions.....	2
Policy.....	2
1. Principles of this policy	2
2. Types of complaints and appeals.....	2
3. Making a complaint or appeal	3
4. Complaints and appeals resolution.....	3
5. Resolution timeframes.....	3
6. Registering complaints and appeals	3
7. Independent review	4
8. External complaint avenues.....	4
9. Publication	4
Procedure.....	5
1. Complaints management.....	5
2. Appeals management	6
3. Independent review.....	7
4. External complaint or appeal.....	8
Document Control.....	9

Purpose

This policy and procedure outlines Diversitat's approach to recording, acknowledging and dealing with dissatisfaction and formal complaints and appeals fairly, efficiently and effectively.

Complaints and appeals are managed in accordance with relevant legislation, Diversitat values and best practice principles and provide valuable feedback to improve our products and services.

This policy and procedure ensures compliance with Standard 6 of the Standards and Skills First Skills First 2018-19 Standard VET Funding Contract, clause 12 and 1.6 (schedule 1).

Scope

This policy applies to any individual or group associated with Diversitat, including but not limited to our students, employers of our students, members of the public and Diversitat staff, trainers/ assessors and other staff, volunteers and third parties providing services on behalf of Diversitat.

Definitions

Appeal means a request for a review of decisions, including assessment decisions, made by the Diversitat or a third party providing services on the RTO's behalf.

Appellant means a person requesting that a decision made by, or on behalf of, Diversitat is reviewed.

Complaint means a person's formal dissatisfaction with a Diversitat product or service.

Complainant means the person making a complaint.

Respondent means a person who is called upon to issue a response to a complaint or appeal made by another.

Services means training, assessment, related educational and support services and/or activities relating to enrolment.

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework.

Training Product means AQF qualification, skill set and unit of competency, accredited short course and module.

Training progress and support means services necessary for the individual student to meet the requirements of the training product as specified in training packages or VET accredited courses.

Policy

1. Principles of this policy

The principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and through this policy, Diversitat ensures complaints and appeals:

- Are responded to in a consistent, transparent and fair manner, free from bias;
- Are responded to promptly, objectively, with sensitivity and confidentiality;
- Are able to be made at no cost to the complainant or appellant;
- Are used as an opportunity to improve – by identifying potential causes of the complaint or appeal and taking actions to prevent or reduce the likelihood of re-occurrence;
- Will not affect the students enrolment while the complaint and/or appeal is processed and will not affect or bias any current or future training.

2. Types of complaints and appeals

Complaints may be made in relation to any Diversitat services and activities may involve, but are not limited to:

- Marketing information;
- Application and enrolment ;
(For example: fees, charges, facilities, personal information held, other services etc.)
- The quality of training and assessment provided;
(For example: course selection, training resources, training delivery, assessment, awards etc.)
- Training progress and support;
- Assessment decisions, outcomes and/or results;
- Training product and services;
- Misconduct or actions of another student, Diversitat staff member, contractor or volunteer.

Appeals should be made to request that a decision made by, or on behalf of, Diversitat is reviewed.

Decisions may involve, but are not limited to:

- assessment outcomes / results
- acceptance into a course
- refunds
- response to a complaint
- other general decisions made by Diversitat

3. Making a complaint or appeal

Complaints about a particular incident should be made within 90 calendar days of the incident occurring and appeals must be made within 30 calendar days of the original decision being made.

Complaints and appeals should be made online through the complaints and appeals page on the Diversitat website: <https://training.diversitat.org.au/complaints-appeals/>

Complaints and appeals are immediately acknowledged in writing via email following online submission.

When making a complaint or appeal, provide as much information as possible to enable us to investigate and determine an appropriate solution. This should include:

- The issue including; description of what happened, the affect it had and relevant dates;
- Evidence to support the complainants case (if possible);
- If the complaint or appeal has been discussed with a staff member;
- Details about the steps already taken to resolve the issue

4. Complaints and appeals resolution

Relevant Diversitat management team staff will be involved in resolving complaints and appeals as outlined in our procedure.

Where a third party delivering Services on behalf of Diversitat is involved, they will also be included in the process of resolving and/or responding to the complaint or appeal.

The Complainant, Appellant or Respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire;

Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made. They will also be advised in writing of any allegations made against them.

In the case of an assessment appeal, an assessor who is independent from original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

5. Resolution timeframes

Complaints and appeals will be finalised as soon as practicable or at least within 20 calendar days unless there is a significant reason for the matter to take longer.

Where the Diversitat considers more than 60 calendar days are required to process and finalise the complaint or appeal, Diversitat will:

- Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- Provide regular updates to the complainant or appellant on the progress of the matter.

6. Registering complaints and appeals

Diversitat will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register. This register will be stored securely on the Diversitat internal file management system.

If a complaint or appeal involves a student or staff member, details will also be held on the relevant secure file which only authorised staff have access to.

Diversitat will review and identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The information supplied will be used to review Diversitat processes and practices through our Continuous Improvement Management Plan.

7. Independent review

Diversitat acknowledges the need for an appropriate independent party to be appointed to review a complaint or appeal where the internal processes have failed to find a resolution and this is requested by the complainant or appellant.

- The request notice should be in writing, addressed to the Education Programs Manager and emailed to compliance@diversitat.org.au;
- Requests for an independent external review will be acknowledged in writing.

External fees are likely to apply, and costs associated with external third-party review will be advised to the complainant or appellant for payment. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Diversitat.

Diversitat will provide complete cooperation with the external party investigating the complaint/appeal and will be bound by the recommendations arising out of this process.

Diversitat will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

8. External complaint avenues

Complainants and appellants are able to use their own external party or the complainant or appellant can directly contact other external agencies listed below including:

National Complaints Hotline

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:

- Calling: 13 38 73, Monday–Friday, 8am to 6pm nationally or
- Email: skilling@education.gov.au

ASQA (Australian Skills Quality Authority)

ASQA is Diversitat's registering body and will only use the information you provide to inform its regulatory approach and will not contact us on your behalf or act as your advocate.

- Diversitat complaints and appeals process must be followed before making a complaint about Diversitat to the Australian Skills Qualification Authority (ASQA)
- For more information, refer to the following webpage: <http://www.asqa.gov.au/complaints/make-a-complaint-domestic-students/make-a-complaint-domestic-students1.html>

Australian Consumer Law

Individuals have the right to take action under the Australian Consumer Law and to pursue other legal remedies.

- <https://consumerlaw.gov.au/>

9. Publication

This policy is publicly available on our official website and the student handbook.

Procedure

1. Complaints management

Procedure	Responsibility
<p>1.1 Acknowledge and record complaint received</p> <p>Complaints and appeals should be made online through the complaints and appeals page on the Diversitat website: https://training.diversitat.org.au/complaints-appeals/</p> <ul style="list-style-type: none"> • Complaints are immediately acknowledged in writing via email following online submission. • Compliance to forward complaint to Education Manager (via compliance inbox) • Education Programs Manager to review all complaints. • Compliance administrator to record details on the Complaints and Appeals Register. 	<p>Education Programs Manager or delegated staff member</p>
<p>1.2 Investigate and review the complaint</p> <p>Education Programs Manager to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.</p> <ul style="list-style-type: none"> • Further details from the complainant, respondent or other involved parties may be requested during this stage, either in writing, over the phone or face to face. • If the complaint is concerning a third party delivering services on behalf of Diversitat, inform the third party of the complaint and include them in the resolution process. • Inform the relevant Manager or Coordinator if the complaint or appeal has the potential to affect an assessment being processed. <p>The Education Program Manager and/or their delegate to:</p> <ul style="list-style-type: none"> • Commence the investigation process no later than 10 working days, as far as practicable, of the online submission; • Investigate complaint to ensure all relevant information provided is accurate and complete; • Review, investigate and mediate within Diversitat policies to resolve the complaint or appeal and include the relevant staff (if applicable); • Advise the complainant or appellant that they may formally present his or her case and may be accompanied or assisted by a support person at any relevant meeting; • Inform the parent(s) / legal custodian(s) of the student if the student is younger than 18 years of age. 	<p>Education Programs Manager or delegated staff member</p>
<p>1.3 Record resolution and advise of outcome</p> <p>Make an objective and fair decision on the evidence available;</p> <p>Complete the Complaints and Appeals Investigation and Resolution form:</p> <ul style="list-style-type: none"> • Diversitats understanding of the complaint; • Measures taken to investigate and resolve the complaint; • Actions required to address complaint; • Resolution decisions and reason for the decision; • Advise of the right to access the appeals process if they are not satisfied with the outcome of the complaints process <p>Record complaint resolution details and outcome on:</p> <ul style="list-style-type: none"> • Compliance to update the Complaints and Appeals Register with outcome of the complaint. • Compliance to update the Continuous Improvement Register if any improvements are to be actioned as a result of the outcome. 	<p>Education Programs Manager or delegated staff member</p> <p>Education Programs Manager or</p>

Procedure	Responsibility
<ul style="list-style-type: none"> Retain a copy of the complaint and all supporting documentation in the Complaints file and in the student or staff file (where relevant). <p><i>Note: Complaints or appeals wherever possible are to be resolved within 20 working days, as far as practicable, of the online submission. If the matter is particularly complex and it is going to take longer than 60 days to resolve, the complainant is to be advised in writing including reasons for the extra time. Progress updates must be provided to all parties on a weekly basis until the matter is resolved.</i></p>	delegated staff member
<p>1.4 Review complaints</p> <p>At the next management / continuous improvement committee meeting, discuss the complaints process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Education Programs Manager or delegated staff member or Compliance

2. Appeals management

Procedure	Responsibility
<p>2.1 Acknowledge and record appeal received</p> <p>If the Complainant is not satisfied with the outcome of the assessment and investigation they may lodge an appeal within 10 working days, as far as practicable, of receiving written notification of the decision. In exceptional circumstances, Diversitat may allow a longer period.</p> <ul style="list-style-type: none"> The complainant or appellant can request deferral of the appeal due to emergency circumstances; a medical certificate must be forwarded to the Education Programs Manager. The appeal must be in writing, addressed to the Educations Program Manager and emailed to compliance@diversitat.org.au Record details of appeal in the <i>Complaints and Appeals Register</i> The appeal must be resolved within 60 days of receipt of the appeal. If the matter is complex and more time is required, the appellant will be advised in writing with reasons for the requirement for extra time. Progress updates on a fortnightly basis need to be provided. 	Education Programs Manager or delegated staff member
<p>2.2 Response to assessment appeals</p> <p>In the case of appeals against assessment decisions, an assessor independent of the original decision must:</p> <ul style="list-style-type: none"> Review original assessment Mark the assessment again Advise the student of the outcome of the appeal in writing <p><u>The assessment decision made during the appeals process will be considered the actual assessment outcome.</u></p>	Education Programs Manager or delegated staff member
<p>2.3 Response to non-academic appeals</p> <p>Education Programs Manager to investigate and/or appoint a suitable, independent delegated staff member to investigate and assess the complaint.</p> <ul style="list-style-type: none"> Commence the appeal review process no later than 10 working days, as far as practicable, after appeal submission; 	Education Programs Manager or delegated staff member

Procedure	Responsibility
<ul style="list-style-type: none"> Advise of outcome within 20 working days of being assigned, as far as practicable, (timeframes advised in writing to the appellant and if more time is needed, this is discussed) <p>Identify the original decision made and the reasons for the decision.</p> <ul style="list-style-type: none"> Further details from the appellant, respondent, the person who made the original decision or other involved parties may be requested during this stage, either in writing, over the phone or face to face. If the appeal is concerning a third party delivering services on behalf of Diversitat, inform the third party of the appeal and include them in the resolution process. Diversitat management team will review all relevant information and decide on an appropriate response. Where a decision cannot be reached, consider appointing an external independent mediator and inform the relevant Manager or Coordinator if the complaint or appeal has the potential to affect an assessment being processed. 	
<p>2.4 Record appeal outcome and advise appellant</p> <p>Provide a written response to the appellant outlining:</p> <ul style="list-style-type: none"> The RTO's understanding of the reasons for the appeal The steps taken to investigate and resolve the appeal Decisions made about resolution and reasons for the decisions Areas that have been identified as possible causes of the appeal and improvements to be recommended <p>Record complaint resolution details and outcome on:</p> <ul style="list-style-type: none"> Compliance to update the Complaints and Appeals Register with outcome of the appeal. Compliance to update the <i>Continuous Improvement Register</i> if any improvements are to be actioned as a result of the outcome <p>Retain a copy of the appeal and all supporting documentation in the appeals file and in the student or staff file (where relevant)</p>	<p>Education Programs Manager or delegated staff member</p>
<p>2.5 Review appeals</p> <p>At the next management / continuous improvement committee meeting, discuss the appeals process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	<p>Education Programs Manager or delegated staff member</p>

3. Independent review

Procedure	Responsibility
<p>3.1 Request for independent review</p> <ul style="list-style-type: none"> If the complainant or appellant is not satisfied with Diversitat's internal process to resolve the issue, they can request Diversitat to make arrangements for an independent third party to review the complaint or appeal. The request notice should be in writing, addressed to the Education Programs Manager and emailed to compliance@diversitat.org.au; Education Manager to acknowledge requests for an independent external review in writing. <p><i>The complainant or appellant is legally entitled to contact an independent authority for an external independent review.</i></p>	<p>Education Programs Manager or delegated staff member</p>

Procedure	Responsibility
<p>3.2 Cost of independent review</p> <ul style="list-style-type: none"> External fees are likely to apply, and costs associated with external third-party review will be advised to the complainant or appellant for payment. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Diversitat. 	Education Programs Manager or delegated staff member
<p>3.3 Independent review outcome and implementation</p> <ul style="list-style-type: none"> Record the investigation in the <i>Complaint and Appeal - Independent External Review</i>. Diversitat will provide complete cooperation with the external party investigating the complaint/appeal and will be bound by the recommendations arising out of this process. Diversitat will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation. 	Education Programs Manager or delegated staff member
<p>3.4 Review process of independent review and outcome</p> <p>At the next management / continuous improvement committee meeting, discuss the independent review process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Education Programs Manager or delegated staff member
<p>3.5 Update records</p> <p>Record independent review outcome details on:</p> <ul style="list-style-type: none"> Compliance to update the <i>Complaints and Appeals Register</i> Compliance to update the <i>Continuous Improvement Register</i> if any improvements are to be actioned as a result of the outcome <p>Retain a copy of the independent complaint or appeal and all supporting documentation in the independent complaints and appeals file and in the student or staff file (where relevant)</p>	Compliance

4. External complaint or appeal

Procedure	Responsibility
<p>4.1 Complaint or appeal to external agencies</p> <ul style="list-style-type: none"> Complainants and appellants are able to use their own external party or the complainant or appellant can directly contact other external agencies including: National Complaints Hotline ASQA (Australian Skills Quality Authority) Diversitat will respond as necessary and fully cooperate with external agencies to resolve any complaints and appeals or other issues relating to the delivery of services. <p><i>Note: Diversitat complaints and appeals process must be followed before making a complaint about Diversitat to the Australian Skills Qualification Authority (ASQA)</i></p>	Education Programs Manager or delegated staff member and Compliance
<p>4.2 Review external complaint and appeal</p> <p>At the next management / continuous improvement committee meeting, discuss the external complaint and appeals process and its outcome to consider if improvements need to be made to prevent recurrence.</p>	Education Programs Manager or delegated staff member

Procedure	Responsibility
<p>4.3 Update records</p> <p>Record external complaint or appeal details and outcome on:</p> <ul style="list-style-type: none"> • Compliance to update the <i>Complaints and Appeals Register</i> • Compliance to update the <i>Continuous Improvement Register</i> if any improvements are to be actioned as a result of the outcome <p>Retain a copy of the external complaint or appeal and all supporting documentation in the external complains and appeals file and in the student or staff file (where relevant)</p>	<p>Compliance</p>

Document Control

Document Name	Complaints and Appeals Policy and Procedure
Approved by	Carolyn Jones – Education Programs Manager
Summary of content (new) or amendments (revised)	Revised policy including, Improved process and document layout, addition of content and definitions sections.