

Policy

To ensure that Vocational Training Australia Pty Ltd (trading as National Institute of Training (NIOT)) has a systematic process to manage complaints and appeals for all stakeholders which includes staff, students and any other person involved with NIOT and to ensure that complaints and appeals are dealt with in a timely and equitable manner.

Objective

To provide a framework to manage complaints and respond to allegations involving the conduct of:

- NIOT, its trainers, assessors, or other staff
- A third-party providing services on NIOT's behalf, its trainers, assessors, or other staff
- A learner of NIOT

To provide a framework to manage appeals and respond to requests for a review of a decision, including assessment decisions, made by NIOT or a third-party providing services on NIOT's behalf.

Staff Responsible:

- Administration
- Compliance
- Operations
- Trainers and Assessors

Compliance Standards:

This policy relates to the following Standards for RTO's 2015 Clauses 1.7, 6.1 - 6.6.

Related Policies/Templates/Documents:

- D-001.3 Student Information Guide
- F-102.3 Appeals Form
- F-116.3 Complaints Form
- P-039.3 Privacy and Personal Information Policy
- P-057.3 Training and Assessment Policy and Procedure
- R-907 Complaints and Appeals Register
- R-910 Continuous Improvement and Risk Management Register

Definitions

A **complaint** is a written or verbal statement expressing dissatisfaction based on an unsatisfactory or unacceptable experience and would generally be directed at the general performance of the RTO or its staff in the delivery of services.

An **appeal** in the context of Vocational Education and Training is a right given to the student to challenge an assessment outcome should they be dissatisfied believing that the decision made was incorrect.

Appellant is a person being the student who appeals the assessment decision outcome as being wrongly decided usually in cases where an assessment submission has been deemed Not Yet Competent and a resubmission has been requested.

Complainant is a person being a student, guardian, employee, or other person who makes a complaint against the RTO and/or RTO stakeholders.

Policy

NIOT's policy and procedure will:

- Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- Be made publicly available
- Set out the procedure for making a complaint or requesting an appeal
- Ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- Provide for a review by an appropriate party independent of NIOT 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.

Additionally, NIOT will ensure that the process for lodging a complaint or appeal is easy to understand including the procedure of how NIOT will address and deal with each complaint and appeal submitted.

All complaints and appeals will be dealt with by an independent person within NIOT that does not have any involvement in the complaint or appeal being made.

If the complainant or appellant is not satisfied with the outcome of the investigation into their complaint or appeal, then an independent third-party will be engaged to review the complaint or appeal.

NIOT will also:

- Ensure that records of all complaints and appeals are securely maintained including the outcome of the complaint or appeal.
- Identify any causes of the complaint or appeal and implement corrective actions to eliminate or reduce the likelihood of the same situation reoccurring in the future.

Procedure

1. Complaints and Appeals		
Action / Task	Responsible	Timeline
<p>1.1 In the first instance, the individual is encouraged wherever possible, to resolve the situation(s) directly with the individual or department the complaint or appeal is directed at, to try and rectify the situation before being escalated to a formal complaint or appeal.</p> <p>1.2 Where possible complaints and appeals are managed and resolved informally, however if the situation cannot be managed informally the individual can submit a formal complaint or appeal in writing.</p>	Operations Manager	At the time of the complaint or appeal
2. Lodging a Complaint		
<p>2.1 A complaint must be made in writing specifying the particulars of the situation in dispute using the F-116.3 Complaint Form within TWENTY-EIGHT (28) days of the event.</p> <p>2.2 The F-116.3 Complaint Form should be sent to the complaints email address as specified in the form: complaints@niot.com.au</p>	Operations Manager	At the time of the complaint or appeal
3. Lodging an Appeal		
<p>3.1 An appeal must be lodged in writing specifying the particulars of the decision, or finding in dispute, using the F-102.3 Appeals Form within 14 days of the assessment outcome.</p> <p>3.2 The F-102.3 Appeals Form should be sent to the Compliance email address as specified in the form: complaints@niot.com.au</p>	Operations Manager	At the time of the complaint or appeal
4. Acknowledgement of a Complaint or Appeal		
<p>The following procedure is to be followed when a complaint or an appeal is received.</p> <p>4.1 The Compliance Team are to acknowledge the receipt of the complaint or appeal in writing to the complainant/appellant within THREE (3) working days.</p> <p>4.2 Details must be recorded against in the R-907 Complaints and Appeals Register as well as in the Student Management System (aXcelerate) against the persons contact record.</p>	Compliance Team	<p>Within 3 working days of receipt</p> <p>Upon receipt</p>

6. Appeal Investigations		
Action / Task	Responsible	Timeline
6.1 The Compliance Team will investigate each appeal ensuring the principles of natural justice and procedural fairness are adopted. This may include consultation with others in NIOT or relevant agencies external to NIOT as part of the process.	Compliance Team	Upon receipt of appeal
6.2 All investigations will include examination of NIOT’s internal systems, policies and procedures and associated documentation/information.		
6.3 The investigation will research each appeal against relevant policies and an examination of the assessment process/system. Additionally, the investigation may include re-assessment of the appellant and/or using another assessor to confirm or reject the initial assessment decision.		Within 20 calendar days of receipt of appeal
6.4 Compliance must finalise the investigation and provide a response within TWENTY (20) calendar days from the receipt of the appeal. Should the consultation process extend over TWENTY (20) calendar days the complainant must be notified in writing explaining the delay in providing an outcome.	Compliance Team	
6.5 Once an outcome has been achieved, the appellant will be notified in writing. The response must include details about how the appeal was thoroughly reviewed and any actions or outcomes that have been identified as a result of this process.		
6.6 If the appellant is satisfied with the outcome of the investigation, the appeal is closed, and the status is updated on the R-907 Complaints and Appeals Register as well as recording the outcome in aXcelerate against the persons contact record.	Appellant	When the outcome is satisfactory
6.7 Any opportunities for improvement that have been identified as a result of the investigation are recorded on the R-910 Continuous Improvement and Risk Management Register .		When the outcome need to be escalated to mediation
6.8 If the appellant is unsatisfied with the outcome of the investigation, they will be offered the opportunity for an independent mediation with an external person/organisation. See Procedure 8: External Mediation.	Appellant	

9. Record Keeping

<p>9.1 A written record trail of all complaints and/or appeals and responding correspondence shall be maintained by NIOT for a period of 5 years to allow all parties to appeal appropriate access to these records.</p>	All relevant staff	5 years from when complaint/appeal was received
<p>9.2 All records relating to the grievance MUST be treated as confidential. Refer to P-039.3 Privacy & Personal Information Policy & Procedure.</p>		
<p>9.3 The R-907 Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.</p>	Compliance Team	Ongoing

Document Revision History

Version Number	Date Published	Description
2.0	03/08/2017 Aleena Velich	Revised Policy and Procedure <ul style="list-style-type: none"> Expanded on Overview and Objective Included relevant definitions. Expanded on actual policy Amalgamated P-006 and P-007 into once policy and relevant procedures.
	03/08/2017 Patricia Fulcher	Revised and approved with changes
	03/08/2017 Natalie Robinson	Formatted and published. Retired P-007 (old appeals policy)
3.0	27/06/2019	Major re-write
3.1	15/07/2019	Controlled document review
4.0	27/02/2020 Rebekah Faleafaga	Updated as per current requirements Inserted mediation and ASQA contact details per state Revised associated forms – Appeals and Complaints
4.1	28/02/2020	Header update
4.2	10/12/2021 Fiona Dunkerton	Minor updates to formatting and layout of procedure.
4.3	Fiona Dunkerton	Scheduled review; minor updates to formatting.