

Complaints and Appeals Policy and Procedure

PURPOSE

Saddle On (The RTO) aims to resolve complaints honestly, fairly and without bias and in an easily accessible manner which is inexpensive to the parties involved. This policy/procedure supports the guidelines 2.7 and 2.8 of VRQA.

Guideline 2.7 states: An RTO must have a complaints policy to manage and respond to allegations involving the conduct of:

- a. the RTO, its trainers, assessors or other staff
- b. a third party providing services on the RTO's behalf, its trainers, assessors or other staff
- c. a student of the RTO.

Guideline 2.8 states: An RTO must have an appeals policy to manage a request for the review of a decision, including an assessment decision, made by an RTO or a third party providing services on the RTO's behalf.

SCOPE

This policy applies to all current, prospective, previous students, trainers/assessors, staff, third part and other stakeholders of the RTO.

POLICY

The RTO is dedicated to provide excellent services and maintaining a friendly relationship at all levels from top management including employers, down towards our Students. THE RTO is committed to maintaining compliance with all regulatory, legislative and contractual requirements and has Complaints and Appeals Policy to ensure all complaints and appeals are handled as efficiently and effectively to be actioned within 10 business working days of receipt. As a Student with us, you are entitled to make an appeal to an assessment decision within 20 working days. The following outlines our policy and procedures for the handling of verbal and written complaints and appeals.

Our Responsibilities to you if you have a complaint or appeal:

- Take all grievances, complaints and appeals seriously.
- To provide an efficient, fair and structured mechanism for handling complaints and appeals processes for all Students.
- Act upon the subject of any grievances, complaint or appeal found to be substantiated
- To provide our prospective Students with access to the complaints and appeals process before making an agreement to enrol, including those Students with any disabilities or special needs.
- Formal complaints and appeals can be written, or if verbal, a staff member will document the complaint or appeal and either the complainant or assisting staff member must sign-off the Complaints and Appeals Form.
- Action within 10 working days of receipt of the complaint or appeal.

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- Handle all grievances, complaints and appeals professionally and confidentially in order to achieve a satisfactory resolution
- To keep complainant or appellant informed about the progress of their complaint or appeal and the expected timeframe for resolution.
- To resolve the complaint or appeal as soon as possible.
- To review complaints and appeals so that we can improve our service.
- To maintain the Student's enrolment whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- Provide details of external authorities' complainant may approach, if required.

PROCEDURE

General Process

- The Complaints and Appeals policy & procedure, and forms are made available to all Students and other stakeholders by directly contacting THE RTO or through the website.
- Where possible all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the Student or stakeholder, emails and general mediation in relation to the issue and the Student / stakeholder issue.
- Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal, the following procedures must be followed.
- Any Student, potential Student, employee or third party may submit a formal complaint to THE RTO with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorized by the Chief Executive Officer (CEO).
- Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at THE RTO, or through the THE RTO website.
 - As per policy, complaints are to be made in writing by the complainant.
 - THE RTO should review all complaints upon receipt.

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- Acknowledge receipt of complaint in writing by sending a letter to complainant or email.
- Record details of the complaint on the Complaints and Appeals Register.
- Once a complaint or appeal is received and checked for, it should be forwarded to the appropriate personnel for review.
- There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses for attending THE RTO offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.
- All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue, to help them present their case. Any payments to accompany the friend/third party will be made by complainants or appellants.
- The Review Personnel may gather evidence and constitute a review committee as they see fit.
- This process must be commenced within 10 working days of the lodgment of the complaint or appeal (and receipt of all supporting evidence) and should be completed within a reasonable time period, usually 10- 15 working days.
- If further evidence is requested, then the Review Personnel must communicate with the complainant or appellant as soon as possible and within 5 working days of asking for evidence, it should be submitted.
- The process will be put on hold until the evidence is received.
- The decision will be advised in the written response to the complainant or appellant.
- In case of complaint, if the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.
- A template for a formal written response has been developed for when the complaint is accepted or rejected. This also includes the complainant's right to access the Internal Appeals process.
- A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the appellant's right to access the External Appeal process.

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- All documentation relating to a formal complaint or appeal MUST be recorded on the Student file, in case of Student. This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidently and stored securely for 7 years.
- Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified and THE RTO takes appropriate corrective actions to eliminate or mitigate the likelihood of reoccurrence.
- All formal complaints or appeals must be logged in the Complaints and Appeals Register.
- A complaint or appeal is a learning opportunity for THE RTO. The outcome will be seen as an input to the continuous improvement process. Any decisions that support Students will be immediately implemented.

Detailed Process

Complaints may be made in relation to any of THE RTO's services and activities such as:

- The application and enrolment process
- Marketing information
- The quality of training and assessment provided
- Training and assessment matters, including course progress, Student support and assessment requirements
- Student amenities and facilities
- Discrimination
- Sexual harassment
- The way someone has been treated
- The actions of another Student
- Other issues that may arise

Appeals should be made to request that a decision made by THE RTO has to be reviewed.

Decisions may have been about:

- Course admissions
- Refund assessments
- Response to a complaint
- Assessment outcomes / results
- Other general decisions made by THE RTO

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THE RTO is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, THE RTO ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

Where possible, all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the complainant, emails and general mediation in relation to the issue. Any staff member can be involved in this informal process to resolve issues, but once a complainant has placed a formal complaint / appeal, the following procedures must be followed.

If a complainant is uncomfortable in speaking directly to the person involved or the informal process does not resolve the issue to the complainant's satisfaction, the formal process should be followed as described later on in the document.

Where a Student is unhappy with the outcome of an assessment decision, this will be dealt with under internal appeals. Please refer to Assessment appeals points in the Appeals section.

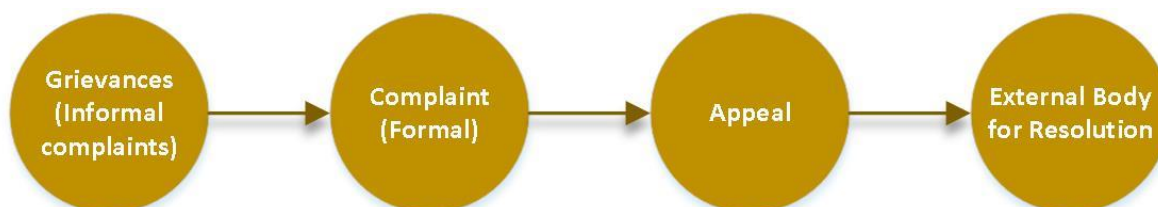
THE RTO reduce complaints through:

- providing excellent ongoing service
- addressing complaints quickly and fairly
- making sure similar kind of complaint/incident does not occur again

When a complainant has a genuine complaint, THE RTO may:

- thank them for raising the matter
- treat them with genuine empathy, courtesy, patience, honesty and fairness
- respond to the complaint quickly
- tell the complainant how THE RTO will handle it and when to expect a response
- speak to the complainant in person

Diagram of the Different Steps/ Procedures in the complaints management process:



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Informal Complaint

- Students / potential Students / stakeholders are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer / facilitator through Student Support Services about his/her concerns. Issues about fees should be discussed in the first instance with the Accounts Department through Student Support Services.
- Any Student with a question or complaint may raise the matter with THE RTO Student Support Services staff and attempt an informal resolution of the question or complaint. This can be done online by email or by telephonic conversation and face-to-face.
- Questions or complaints dealt within this way do not become part of the formal complaint process and will not be formally documented, recorded or reported on unless the staff member involved determines that the issue, question or complaint was relevant to the wider operation of THE RTO.
- If the Student / potential Student / stakeholder has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, then he/she may discuss the issue with the Compliance officer/CEO. In case of face-to-face meeting, he/she may be accompanied or assisted by a support person during this process.
- The Compliance Officer will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the complainant and the person(s) concerned.
- Within ten (10) days of receiving the grievance, the Compliance Officer/CEO will provide the complainant and any other person(s) directly concerned, with a written report summarising the actions that were taken, or will be taken, to resolve the issue.
- If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.

Formal Complaint

- Students or any other stakeholders who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so.
- To register a formal complaint, a complainant must complete the Complaints and Appeals Form and contact the Student Support Services to arrange a meeting with

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Compliance officer/CEO, if required (a nominated person if Compliance officer/CEO is not present for the particular case). It is better to provide as many details as possible.

- Once a formal complaint is received it will be entered into the Complaints and Appeals Register and written acknowledgment will send to complainant. The information to be contained and updated within the register is as follows:
 - The name of the complainant
 - Date of the complaint
 - Type of complaint
 - Name of investigating officer / department assigned to deal with the complaint
 - Response from those involved in the allegations
 - Analysis of the matter
 - Outcome of complaint
 - Action recommended to address systemic issues (if any)
 - Time taken to investigate complaint
 - Complainant satisfaction with the outcome.
- There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice, support, assistance or company from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- At the stage of the complaint meeting (if required), the complaint must be recorded in writing and signed and dated. The complaint is recorded in writing by completing the Complaints and Appeals Form prior to the meeting or a new document can be prepared and signed during the meeting.
- The Compliance officer/CEO will then refer the matter to the appropriate staff members to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Where a decision is expected to take longer than 60 days, THE RTO will advise the student in writing of the delay and including the reasons for the delay. Thereafter the student will be provided with weekly updates in writing of the progress of the complaint.
- Weekly updates to both complainant and appellant will be provided by the Compliance Officer/CEO.

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- If decision is taking more than 60 days, matter can be forwarded to an external complaint resolution organisation as well for resolution.
- At the end of the resolution phase, the Student Support Services will report THE RTO decision to the complainant in writing. The decision and reasons for the decision will be documented by the Compliance department and will update the records accordingly.
- Following the resolution phase, THE RTO must implement the decision as conveyed to the complainant. THE RTO will immediately implement any decision and/or corrective and preventative actions that are required.
- Where the formal complaint process does not find in favour of the complainant, s/he will be notified that they have the right of appeal. He/she may institute an internal appeals process by completing the Complaints and Appeals Form.
- To appeal a decision, THE RTO must receive, in writing, grounds of the appeal within 10 days of the date of the notice of the decision.
- Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the Compliance Officer/CEO or representative and also in the Student's file, in case of Student as complainant
- We will ensure that the investigation process is impartial and encompasses the Principles of Natural Justice. No assumptions will be made nor any action be taken until all relevant information has been collected and considered.
- There will be no victimisation against anyone who makes a complaint.
- Nothing in this procedure inhibits complainant's rights to pursue other legal remedies. Complainants are entitled to resolve any dispute by exercising their rights to other legal remedies. Complainants wishing to take this course of action are advised to:
 - Contact a solicitor; or
 - Contact the Law Institute of Victoria, 470 Bourke St., Melbourne 3000, and telephone 03 (03) 9607 9311 for a referral to a solicitor.
 - Contact Legal Aid Queensland (<https://www.legalaid.qld.gov.au/Home>) at 1300 65 11 88 and 44 Herschel Street Brisbane Qld 4001

Internal Appeals

- All Students and stakeholders have the right to appeal decisions made by THE RTO where reasonable grounds can be established. The areas in which a Student or stakeholder may appeal a decision made by THE RTO may include:

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- Any other conclusion/decision that is made after a complaint has been dealt with THE RTO in the first instance as described in the complaints process above. This is referred to as *General Appeals and Internal Appeals*.
 - Assessments decisions as set out below (*Assessment Appeals*).
- To activate the appeals process, the appellant must complete a Complaints and Appeals Form that is to include a summary of the grounds the appeal is based upon. The reason the appellant feels the decision is unfair, is to be clearly explained and help and support with this process can be gained from THE RTO staff.
 - Where an appellant has appealed a decision or outcome of a formal complaint, s/he is required to notify THE RTO in writing within 10 working days, of the grounds of her/his appeal. Any supporting documentation should also be attached to the appeal.
 - An THE RTO representative must record the details in the Complaints and Appeals Register.
 - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged in writing.
 - The Compliance Officer/CEO or a nominee appointed by Compliance Officer/CEO will be notified and will seek details regarding the initial documentation of the appeal and make a decision based on the grounds of the appeal.
 - The appellant will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. Particularly the appellant will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The appellant is required to notify RTO if they wish to proceed with the external appeals process.
 - Compliance Officer ensures THE RTO acts on any substantiated appeal. Compliance Officer/CEO determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.
 - Where Students wish to appeal an assessment or RPL, they are required to notify their Trainer / Facilitator / Assessor in the first instance. Where appropriate their Assessor may decide to re-assess the Student to ensure a fair and equitable decision is gained. The Assessor shall complete a written report regarding the re-assessment outlining the reasons why re-assessment was - or was not - granted.
 - If this is still not to the Student's satisfaction, the Student may formally lodge an appeal. They will lodge this with the Compliance Officer/CEO or a nominee appointed

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by the Compliance Officer/CEO and the appeal will be entered in the Complaints and Appeals Register.

- The Compliance Officer/CEO will be notified and will seek details from the Assessor involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party will be another Trainer/Assessor appointed by THE RTO.
- The Student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register will be updated. The Student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The Student is required to notify THE RTO if they wish to proceed with the external appeals process.
- We recognise the right of individuals to approach an external agency if the formal complaint or internal appeal has not resolved the issue to their satisfaction.
- The Student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- A maximum time of 30 calendar 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.

External Appeals

- If not satisfied with the internal appeal processes, the complainant / appellant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by THE RTO for that purpose.
- The details of these external bodies are as follows:

For VIC:

Resolution Institute, previously as LEADR and IAMA, has been accrediting mediators since the mid-1990s.

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

The Dispute Settlement Centre of Victoria (DSCV)

Dispute Assessment Officer

Level 4, 456 Lonsdale Street

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Melbourne VIC 3000 Tel: 9603
8370
<http://www.disputes.vic.gov.au>

- The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between THE RTO and the complainant / appellant.
- THE RTO will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.
- If a Student or stakeholder is still dissatisfied with the decision of THE RTO, they may wish to seek advice or make a complaint about THE RTO to VRQA directly. If, after THE RTO's internal complaints and appeals processes have been completed, and they still believe THE RTO is breaching or has breached its legal requirements, they can submit a complaint to VRQA.
- Contact details for VRQA:
General enquiries
Phone: +61 3 9637 2806 (from 9:00 am—5:00 pm, Monday—Friday)
Email: vrqa@education.vic.gov.au
Online enquiry form:
<https://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeEnquiry>

Street address

Level 4 Casselden, 2 Lonsdale Street, Melbourne Vic 3000

Postal address

GPO Box 2317, Melbourne Vic 3001

Principles of natural justice and procedural fairness

- THE RTO Staff may also use this complaints and appeals process. THE RTO will use all complaints as an opportunity for continuous improvement.
- All parties to a complaint or appeal have the opportunity to put their case and have this properly considered.
- Any allegation against an THE RTO staff member or member of a subcontractor party is made known to that person and THE RTO will provide an opportunity to present their side of the matter.
- Investigations and decisions are made by persons who do not exercise bias.
- A complainant/appellant should feel confident that they will not suffer any discrimination as a result of using the complaint or appeal process.

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- Confidentiality shall be maintained to the extent of the people that need to be directly involved in the complaint or appeal process.
- All the information regarding this policy can also be found:
 - On the RTO website;
 - In the Student Handbook;
 - In the Staff Handbook;
 - In the Welcome Letter;
- The complainant / appellant can be supported or accompanied by an independent person or friend during the complaints and appeals process.
- It is normal THE RTO policy that whilst a Student is going through any formal complaint or appeals process, the Student remains enrolled at THE RTO and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the Student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the Student's favour.
- THE RTO has a fair and transparent informal and formal complaints and appeals process, but should the complainant / appellant require it, access is available to an independent mediator who can review the complaint and/or appeals process.

NOTE: If the outcome is in the appellant's favour then THE RTO will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

RESPONSIBILITIES

- CEO has overall responsibility for this policy.
- Compliance Officer/CEO conducting investigation into all formal complaints.
- Student Support Services will assist stakeholders at every phase, as required.