**Complaints and Appeals Policy and Procedure**

# 1. Purpose

The purpose of a Complaints and Appeals Policy and Procedure is to provide a fair and transparent process for students and others who wish to make a complaint and/or appeal a decision made by Integrity College.

This policy and procedure aims to ensure that students and others are treated fairly, that their rights are respected, and that they have access to an effective and efficient process to resolve any issues or concerns they may have.

Some of the key objectives of the Complaints and Appeals Policy and Procedure include:

* Ensuring that students have a clear understanding of their rights and responsibilities as learners within the VET system.
* Providing students and others with a transparent and consistent process for making complaints and appeals.
* Ensuring that complaints and appeals are dealt with promptly, impartially, and confidentially.
* Providing students with access to support and advice throughout the complaints and appeals process.
* Encouraging continuous improvement by identifying and addressing issues that may arise through the complaints and appeals process.

**Definitions**

**A complaint** as an expression of disappointment with any aspect of the service or training provided. It is distinct from feedback where a client, student or other person or organisation gives advice or comment on what Integrity College does or the service delivered.

**Appeals** are a formal request for a change in or a confirmation of a decision made by Integrity College. Appeals can be made in regards to an assessment decision or in regards to the initial outcome of a complaint.

**Natural justice** and procedural fairness are principles that require decision-makers to act fairly and impartially when making decisions that affect the rights, interests, or legitimate expectations of individuals or groups. Natural justice requires that decision-makers act without bias, giving each party a fair hearing, and providing them with an opportunity to present their case.

**Procedural fairness** is closely related to natural justice and refers to the fairness of the procedures used in making a decision. This includes factors such as the transparency of the decision-making process, the opportunity for parties to be heard, and the provision of reasons for the decision. Procedural fairness also requires that decision-makers act within their powers, follow relevant rules and procedures, and avoid any conflicts of interest.

# 2. Policy

Integrity College seeks to continuously provide a supportive and fair environment. It is committed to implementing an effective and transparent complaint resolution procedure, that, where possible, is managed quickly, protects the individual’s privacy rights, and is equitable, objective and unbiased. This policy provides a clear process to register a complaint or appeal. It is well publicised and all parties involved are kept informed of the resulting actions and outcomes. This policy covers both academic and non-academic matters.

Complaints can be made about Integrity College, its staff, other learners or third parties. Integrity College aims to resolve all complaints within three weeks.

In handling a complaint, whether formal or informal, confidentiality will be maintained to:

* Protect all parties involved in a complaint under the principles of natural justice
* Involve the minimum number of people possible

Integrity College is not compelled to consider:

* Anonymous complaints
* Appeals that fail to meet the lodgement requirements

All students and staff are to be informed of the complaint resolution policy and procedures. Students need to be aware that complaints may be lodged about Integrity College, its Agents or any third party it engages to provide training and assessment services. The focus for resolution will be on issues rather than individuals. Students are to be protected from victimisation. Natural justice principles will be used to ensure procedural fairness. A complainant has the right to withdraw the complaint at any stage.

Integrity College maintains a supportive and fair environment, which allows students to appeal their assessments and recognition decisions. Appeals are ideally resolved as amicably as possible using the formal appeal process.

Where a complainant is a current student, their enrolment must be maintained while the complaints and appeals process is ongoing. Complainants can choose to utilize resources outside the college to resolve their complaint. Complaints managed by the college are not charged, however; if an external mediation service is required this service will be charged.

Once an internal or any external complaints handling or appeal process has been finalised to the satisfaction of the complainant, implementation of the outcome and its recommendation will immediately be actioned and the complainant will be advised.

If a complainant is not satisfied with the outcome of the internal complaints process, the matter may be referred to an independent mediator.

A further option available to people and organisations is the National Training Complaints Hotline. This **number is 13 38 73** and is staffed Monday–Friday, 8am to 6pm nationally.

More details on the National Complaints Hotline can be found at

<https://www.dewr.gov.au/national-training-complaints-hotline>

Each complaint, grievance, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the outcomes, including reasons for the decision.

If the complainant chooses to withdraw their complaint or appeal at any time they must do so in writing to the Administration Manager.

Integrity College is guided by the following principles in resolving all student complaints and appeals:

* All students have access to the Complaints and Appeals Policy and Procedures and their rights as consumers.
* Complaint and appeal procedures will be readily available to ensure students understand their rights and responsibilities, including their right to have a support person present at any interview or proceeding
* The complaint process is commenced within 5 working days from the date of complaint.
* All parties have the right to representation during the complaint resolution process.
* Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
* The complaints and appeals will be well documented, and the results of complaints and appeals will be communicated to relevant parties ideally within 15 working days
* Should this process take longer than sixty (60) days the college will ascertain the cause of the of the delay and keep the learner informed of these reasons through written correspondence.
* Complainants will be advised of the outcome of the complaints through written notification that the complaint has been resolved
* The principles of courtesy, mutual respect, confidentiality and procedural fairness will be observed by all parties to the complaint resolution process
* There will be no direct financial cost to the student relating to internal review and appeal processes
* Complaint and appeal procedures will be applied consistently and transparently
* A student’s enrolment will be maintained while the complaint and appeal process is ongoing
* Records will be kept for a minimum of five years and are kept strictly confidential
* The complaint resolution process will be used by the college to identify areas for continuous improvement in the quality of services and support it provides to students
* The complaint resolution process does not restrict an individual's rights to pursue other legal remedies
* Students may choose to have their complaint reviewed externally
* Complaints against other students will be dealt with under the college’s Code of Conduct Policy, as applicable

# 3. Responsibility

The RTO Manager is responsible for the implementation of this policy and procedure with students, staff and stakeholders, also including data entry and maintaining security of all complaints and appeals documentation.

# 4. Requirements

Standard 6 requires that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively. RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO’s responsibilities under the Standards.

# 5. Scope

This policy applies to students, staff, third party providers and others who have dealings with Integrity College.

# 6. Procedure

1. Informal complaint - Consider nature of complaint

If the complaint is regarding a fellow student, the complainant should first discuss the matter with their fellow student and try to resolve it. If it cannot be resolved then the complainant should discuss the problem with their trainer/assessor to try to resolve it.

If the complaint is regarding the complainant’s trainer/assessor, or the college, then they should lodge a written complaint.

If the complaint or appeal is about an assessment outcome the complainant should discuss the matter with the assessor and explain the reason why they believe the assessment outcome is unfair.

Should the complaint or appeal not be resolved in the first instance, then the complainant is requested to formally lodge a complaint or appeal by completing either the complaint or appeal form, these forms are available from the Trainer, the RTO Manager and Administration.

1. Formal complaint - Lodge complaint in writing

A written complaint is to be sent to the Administration Manager by completing a Complaints and Appeals form. This form can be obtained from the Administration Manager or from the website.

Integrity College will commence the complaints process within 5 working days of the formal lodgement of the complaint and supporting information. The RTO Manager will be responsible for resolving the issue. All reasonable measures are taken to finalise the process as soon as practicable.

This formal complaint or appeal will be entered into the Complaints or Appeals Register for tracking purposes. This is the responsibility of the RTO Manager, the receipt of the Complaint or Appeal will be formally acknowledged within three business days, in writing by Administration Manager.

Should the nature of the complaint refer to criminal matters or where the welfare of people is in danger, Integrity College will, with the permission of the student, seek assistance from other authorities such the Police, Legal Representative or other parties as appropriate.

The RTO Manager will conduct at least a formal interview with the learner, the trainer and the CEO if appropriate. If this is unable to resolve the issue, then the issue can be escalated to a mutually agreeable independent person or panel.

The suitable independent person or panel, will need to be agreed upon by the student and Integrity College, this could include an external Trainer Assessor, or it could include an independent commercial mediators such as the Resolution Institute.

The Resolution Institute can be contacted via

<http://www.resolution.institute/contact-us>

Level 1 and 2

13-15 Bridge Street

Sydney NSW 2000

Phone: +61 2 9251 3366

Freecall: 1800 651 650

Fax: +61 2 9251 3733

Email: infoaus@resolution.institute

Integrity College agrees to be bound by the independent mediator’s recommendations and the CEO, or their delegate, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator’s report.

Escalation to an external mediation service is a significant process and incurs costs. Integrity College is prepared to undertake escalation to independent mediation if the College is not able to resolve the dispute with a learner.

Once the need for independent mediation is agreed upon with the learner, Integrity College will obtain a written quote for this process from the agreed mediation company; this written quote is to be shared with the learner.

For the process to proceed, both the learner and Integrity College will lodge with the agreed mediator money to the full value of the quote from the mediator.

The party whose position is NOT upheld by the mediator pays for the mediation service; the party whose position is upheld will receive a refund from the mediator.

Should a compromise position be determined by the mediator both parties agree to pay respective shares as determined by the mediator.

Where the resolution requires a documented change to policies and procedures, the RTO Manager notifies the appropriate staff member/s of the change to action and to record in the continuous improvement register.

1. Outcome Letter

The complainant or appellant will be provided with a formal written statement of the resolution of the complaint or appeal, this will state the reasons for the decision.

At all times the college will keep the learner informed of the progress of their complaint or appeal. Should this process take longer than sixty (60) days the college will ascertain the course of the of the delay and keep the learner informed of these reasons through written correspondence.

**Appeals Against Assessment Outcomes: Reassessments**

An appeal of an assessment decision must be lodged in writing within 5 days of notification of the decision.

The RTO Manager will appoint a mutually agreed on, qualified and independent assessor to review the records of assessment of the student’s competence against the training package requirements. Where insufficient records to determine competence are available, the student may give extra evidence of competence. The independent assessor’s determination is final.

No further appeal mechanism exists beyond this point in the process.

Please note the following:

* Where the resolution requires a documented change to policies and procedures, such changes will be made in accordance with the procedure for document change including the appropriate records made.

At each step of the assessment appeals process, Integrity College will allow students to make representation either orally or in writing prior to reaching a decision. The college also allow students to employ an independent person or panel to hear the appeal

# Record keeping & confidentiality

Records of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records, upon written request to the Administration Manager.