

Complaints and Appeals Policy and Procedures

ESOS National Code Standard 8

Standard Related

VET - Standards for Registered Training Organisations (RTOs) 2015 – Standard 6

1. Objective

AICT provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively. AICT will act on each substantiated complaint, concern or appeal.

We maintain a complaints and appeals policy which includes provisions that manage and respond to allegations involving the conduct of AICT, its trainers, assessors or other staff, other learners and a third party providing services on AICT's behalf, its trainers, assessors or other staff; or a learner of an RTO.

2. Requirement

AICT uses a systematic approach to dealing with complaints, concerns and appeals. All concerns, complaints and appeals are dealt with fairly, honestly, without bias in a professional and fully documented manner.

The procedure for handling complaints, concerns and appeals is disseminated through to students prior to and at enrolment. We follow a process to look at complaints, concerns, and appeals and deal with them in a fair and equitable manner.

3. Natural Justice and Procedural Fairness

There are three basic principles that apply to the process of dealing with complaints, concerns and appeals: the hearing rule, the bias rule and the no-evidence rule (see Complaints Policy)

1. 'The hearing rule: The hearing rule demands that a decision maker must give an opportunity to a person, whose interests may be adversely affected by their decision the opportunity to be heard'¹ (informing those involved of the allegations to present their side of the case).
2. 'The bias rule: The bias rule demands that the decision maker should be disinterested and/or unbiased in the matter to be decided. Justice should not only be done but be seen to be done. If fair minded people would reasonably apprehend/suspect the decision maker has prejudged the matter, the rule is breached (often referred to as 'a reasonable apprehension of bias').'²

¹ Government of South Australia, *What is meant by Principles of Natural Justice and Procedural Fairness?* 27 February 2015, <http://www.decd.sa.gov.au/docs/documents/1/NaturalJusticeandProcedur.pdf> 1. ² Ibid 1.

3. 'The no-evidence rule: The no evidence rule means, in essence, that the decision that is eventually made, must be based on logical evidence (proven on the balance of probabilities - that is, the alleged behaviour is more likely to have occurred than not).

It is also important that in making decisions, administrative decision makers:

- take into account relevant considerations; ○ do not take into account irrelevant considerations; ○ act for a proper purpose; and
- That the decision is not unreasonable in the sense that no reasonable decision maker could have reached such a decision'.²

Once a formal receipt of complaint is received by AICT, the Training Manager ("TM") will contact the student within 48 hours to confirm receipt of form. The matter will be discussed by the TM and relevant staff and a written response will be provided back to the student within 10 working days from receipt of Notice of Complaint form.

If the student is dissatisfied with the result, they may request a review of decisions (including assessment decisions), accessing external appeals at little or no cost to the student.

4. Scope

This procedure applies to all current, prospective students, staff and third party staff providing services on AICT's behalf.

5. Responsible parties

The Training Manager is responsible for the control and issue of this procedure (this may be delegated). Training Manager: Hong Fu Email: Studentservices@aict.wa.edu.au Phone: 08 9382 9000

6. Complaints/Concerns and Appeals Mechanism

AICT ensures that all students will have access to a fair and equitable process for dealing with complaints/concerns and will provide an avenue for students to appeal against such decisions which affect the student's progress.


Every effort will be made by AICT to resolve the student's complaints or concern. To this end, the TM is the person to refer formal complaints/concerns. At the time of enrolment the complaints, concerns procedure and appeals policy will be outlined to students.

Should the student believe that the complaint is of a level that is highly sensitive and does not wish to discuss with their trainer or submit the complaint form to the Training Manager, then they are welcome to submit the 'Notice of Complaint form' directly to the CEO. The CEO will meet with the student and consider the complaint following the same process as would the TM listed above.

Note: In the event that the complaint is about another student and/or trainer, there may be a requirement to separate both parties until the issue is reviewed and then resolved. In some cases there may be a need to contact external parties, such as police or other authorities. The training manager and CEO will decide the seriousness of the issue.

Where a complaint/concern cannot be resolved internally, AICT will provide a person/party independent of AICT to hear the appeal/case. The current independent party is the Resolution Institution.

² Ibid 2.

 AICT AUSTRALIAN INSTITUTE OF COMMERCE & TECHNOLOGY	CRICOS Provider No. 02540M RTO Provider No. 2058	Current Version: 1.2
Current Version Date: 30/01/2017	Next review date: 22/01/2018	Page 2 of 7

The student is free to have one support person in attendance at the meeting(s).

Where we consider that it will take longer than 60 days to process and finalise the complaint or appeal, we will formally advise the complainant or appellant in writing and include reasons why more than 60 days are required and provide regular updates on the progress of the matter.

7. Directive

- All prospective course participants will be provided with a copy of the Complaints and Appeals Policy and Procedure document.
- All complaints, or appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution.
- All parties will have a clear understanding of the steps involved in the complaints and appeals procedure.
- Course participants will be provided with details of external authorities they may approach, if required.
- All complaints and appeals will be managed fairly and equitably and as efficiently as possible.
- All complaints and appeals and outcomes will be documented in writing.
- AICT will attempt to resolve any complaints within 10 working days from receipt of notice of complaint
- The decision maker must be independent of the decision being reviewed (an assessor cannot consider an appeal on a decision they had previously made).
- AICT will attempt to resolve any appeal within 10 working days from receipt of notice of appeals.
- All complaints and appeals will be dealt with fairly and equitably considering also the principles of natural justice and procedural fairness.

8. Procedures


Course participants may raise any matters of concern relating to training delivery and assessment, the quality of the learning, course participants, amenities, discrimination, sexual harassment and other issues that may arise.

This policy provides an avenue for most complaints, concerns and appeals to be addressed. However, in some cases, alternative measures may need to be explored. It is advisable for the student to contact the TM before lodging a formal complaint to discuss other avenues available to them.

9. Complaints

Course participants who feel they may have been unfairly treated or have not been given the full training that they expected, may follow the procedures listed below. **Steps**

- The student should firstly discuss the matter with their trainer/assessor. If they are not satisfied the student may then:
 - Have the matter referred to the TM for consideration
 - The student must complete the Notice of Complaint Form (form NG1) and submit this document to AICT addressed to the TM. Ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the concern, complaint, who was involved, any appropriate evidence and witnesses etc...
- A Notification of Complaint Lodgement Receipt (Page 2 of the NG1) will be acknowledged and added on tracking sheet register within 24 hours. Once the process has commenced, all reasonable measures will be taken to finalise the process as soon as is practicable.
- The TM will contact the student within 48 hours to confirm receipt of form.

 AICT AUSTRALIAN INSTITUTE OF COMMERCE & TECHNOLOGY	CRICOS Provider No. 02540M RTO Provider No. 2058	Current Version: 1.2
Current Version Date: 30/01/2017	Next review date: 22/01/2018	Page 3 of 7

- The TM will discuss the circumstances with the Trainer and make a decision.
- The student will be contacted with the result within 10 working days of receipt of formal complaint, the student has 5 working days to respond to the formal decision.

10. Appeal

- If the student is not satisfied with the outcome, the student may then formally request a face to face meeting with the TM to formally present their case in **appeal of the decision** of the TM. Once this meeting has occurred, the Training Manager will respond formally within 24 hours.
- An Internal Appeal Lodgement Receipt (Page 2 of the NG2) will be acknowledged and added on the tracking sheet register within 24 hours. Once the process has commenced, all reasonable measures will be taken to finalise the process as soon as is practicable.
- A written statement of the appeal outcome, including reasons for the decision will be documented and provided to student.
- Where a complaint, concern, or appeal cannot be resolved through discussion and conciliation, AICT acknowledges the need for an appropriate external and independent agent to mediate between the parties.
- AICT will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student.
- The current independent person is the Resolution Institution.

11. Assessment related matters

If the student has been advised that they are **Not Yet Competent**, but they believe that:

- They genuinely do have the required degree of competency;
- and
- They have provided reasonable proof of this to AICT The student may query or appeal the result.

The TM will ensure as far as reasonably possible that all students are satisfied with the fairness and accuracy of the assessment processes.


Note: AICT will accept an appeal against an assessment decision for a period of no longer than **2 months** after the assessment decision date.

12. To appeal an assessment decision:

Steps

Discuss the matter with the trainer/assessor. If not satisfied the course participant should then:

1. Refer the matter to TM for consideration
2. The student must complete the Notice of Appeal (form NG2) and send this document to AICT addressed to the TM, ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the appeal
3. The student will need to explain formally why they feel the Not Yet Competent result is not appropriate, and also attach a copy of the original Assessment Task. The TM will have the Assessment Task reviewed by another Trainer and contact the student with the written result within 10 working days of receipt of appeal.
4. The student has 5 working days to respond to the formal decision

 <small>AICT AUSTRALIAN INSTITUTE OF COMMERCE & TECHNOLOGY</small>	CRICOS Provider No. 02540M RTO Provider No. 2058	Current Version: 1.2
Current Version Date: 30/01/2017	Next review date: 22/01/2018	Page 4 of 7

5. The student may then formally request a face to face meeting with the Training Manager to present his or her case in appeal of the decision of TM. Once this meeting has occurred, the TM will respond formally within 24 hours
6. A written statement of the appeal outcome, including reasons for the decision will be documented and provided.
7. Where a complaint or appeal cannot be resolved through discussion and mediation, AICT acknowledges the need for an appropriate external and independent agent to mediate between the parties
8. AICT will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student
9. The appropriate party is independent of AICT, the party is:

Contact details for the third party organisation- **Resolution Institute (Combining LEADR and IAMA):** Level 1, 13-15 Bridge Street, Sydney, NSW 2000 Australia

Free call: 1800 651 650

Website: <https://www.resolution.institute/> Email: infoaus@resolution.institute

As AICT is Resolution Institute member students are entitled to access the Student Mediation Scheme.

Fees may apply, please see the fee list below: (Extracted from Resolution's website on April 2016)

External Dispute Resolution Fees

Upon referral of a dispute and appointment of a mediator, the mediator will charge an initial fee of \$385.00 for the first 4 hours of their services, or part thereof. This includes pre-mediation services. Subsequent hours are billed at a rate of \$137.50 per hour, or part thereof.


The costs are shared between the parties unless other arrangement is made.

Table of Fees	
Mediator's fee for the first 4 hours of services	Included in the initial fee
Subsequent hours after the first 4 hours	Hourly rate of \$137.50
Teleconference – part of first 4 hours	Included in the initial fee
Travel expenses – local	Included in the initial fee
Travel expenses – not local	Additional expense incurred by parties in negotiation with LEADR (Resolution Institute)
Room hire	Additional expense incurred by parties

An updated version can be found through the link:

<https://www.resolution.institute/membershipinformation/studentmediation-scheme> in the Document: Student Mediation Scheme Information kit (2014).

The mediator will encourage the parties to approach a complaint/appeal with an open view and to attempt to resolve problems through discussion and conciliation.

 AICT AUSTRALIAN INSTITUTE OF COMMERCE & TECHNOLOGY	CRICOS Provider No. 02540M RTO Provider No. 2058	Current Version: 1.2
Current Version Date: 30/01/2017	Next review date: 22/01/2018	Page 5 of 7

Alternatively, international students may lodge an external appeal with the Commonwealth Overseas Students Ombudsman. Contact details for the Overseas Students Ombudsman:

Contact:

Commonwealth Ombudsman

GPO Box 442, Canberra ACT, 2601

Telephone 1300 362 072

<http://www.oso.gov.au>

The Ombudsman's services are free, independent and impartial.

If the student is still dissatisfied with the outcome after AICT has engaged an independent agent, [after student has exhausted AICT's internal complaints procedures], they may [under the below listed circumstances] lodge a complaint with the Australian Skills Quality Authority only if the following is alleged:

- an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (RTO), or is an ASQA RTO but is not registered to deliver the specified training outcome, or
- An ASQA RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of the Act, the Standards for NVR registered training organisations 2011 and/or the requirements of a Training Package or accredited course.³

Outcome

The outcome of complaints and appeals will be entered into Complaint and Appeals Outcomes form (Form NF). Where applicable, a corrective action will be generated and actioned within a set timeline.

All complaints and appeals are acknowledged in writing and finalised as soon as practicable.

Note: refer to ASQA's website before making a complaint: Ref: <http://www.asqa.gov.au/complaints/make-a-complaint-domestic-students/make-a-complaint---domestic-students1.html>

VET FEE HELP – Eligible Courses


Should a student who is entitled to VET FEE-HELP assistance not agree with the decision of AICT, he/she may apply to the Administrative Appeals Tribunal for a review of the decision. There may be an application fee that the student will need to pay; this all depends on the circumstances. The application will not proceed until the application fee has been paid or waived.

The application fee may be refunded when the review is completed if the decision is found in students favour. The Administrative Appeals Tribunal may be contacted at <http://www.aat.gov.au/FormsAndFees/Fees.htm#nofee> or on 1300 366 700.

Records

AICT will file records of all informal and formal discussions regarding complaints, concerns and appeals and will record such evidence on the student files and in the Student Management System database Job Ready and AICT network. If

³ <https://rms.asqa.gov.au/registration/newcomplaint.aspx> 27 February 2015.

 AICT AUSTRALIAN INSTITUTE OF COMMERCE + TECHNOLOGY	CRICOS Provider No. 02540M RTO Provider No. 2058	Current Version: 1.2
Current Version Date: 30/01/2017	Next review date: 22/01/2018	Page 6 of 7

required, a Corrective Action (Form CG) will be raised and actioned then filed in the Quality Compliance Folder and detailed in the Corrective Action Register for future reference. Complaints, concerns and appeals submitted each month will be reviewed and discussed by management at the monthly Management Meetings and recorded in the Management Review Report. The corrective action record will be used to document correct actions/improvements to ensure that the complaint is documented fully to reduce or prevent same issue occurring.

Security of Records


All complaint and appeals records and their outcomes are securely maintained. The CMS is password locked and maintains permission at different security levels, for example the complaints, appeals and outcomes are on accessible by the CEO, Training Manager and Course Coordinator.

The hard copies are locked in the student file archive room within locked filing cabinets, the only staff with keys are the CEO, Training Manager and Course Coordinator.

This policy is publically available.

Associated documents:

- Corrective action record (form CG)
- Management Review Report (form MRRT)
- Corrective action register (form CAReg)
- Code of Practice (form Cop)

 <h2 style="margin: 0;">Revision History</h2>	
Date	30/01/2017
File Location	K:\Policy\00 AICT
Review Date	22/01/2018
Policy endorsed by	Education Board