

# Complaints and Appeals Policy and Procedure

## Compliance Focus

Standards for RTO's 2015 – Clauses 6.1 to 6.6

## Definitions

The following definitions apply to this Policy and Procedure:

- **A complaint** is a concern about an act, behaviour, omission, situation, or decision, which an individual believes is unfair or unjustified.
- **The complainant** is a person notifying of a complaint.
- **Conciliation** is the process through which the parties involved in an allegation, with assistance from a neutral person, discuss the issues to develop options and consider alternatives with the goal of reaching a consensual agreement or outcome.
- **Mediation** is the process through which the parties involved in a dispute, or allegations are assisted by a mediator to assist them to reach an agreement, which settles the dispute. Mediation encourages negotiation in a non-threatening environment.
- **The respondent** is a person against whom the complaint is made.
- **An informal complaint** is usually a minor dispute or difficulty that can be resolved without independent assessment or assistance. If the complaint remains unresolved, it can be escalated to a formal complaint.
- **A formal complaint** must be made in writing and can be about anything that the individual feels is serious enough to require independent assessment. Formal complaints must be made using the Complaints and Appeals Form or can be submitted via email.
- **An appeal** is a process that allows students to ask for a review of a decision relating to their academic progress or cancellation of their enrolment or outcome of a formal complaint.
- **Appellant** a person who applies to for the reversal of a decision made

## Policy Purpose

CSTC is committed to implementing an effective complaints and appeals policy and procedure that, where possible is managed quickly, at a local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good working relations and positive outcomes and aims to avoid blame and undue investigation.

## Roles and Responsibilities

This policy and related procedures will apply to all CSTC staff, trainers, contractors, subcontractors, employers, and participants. All staff are trained in the Complaints and Appeals process.

## Policy Statements

CSTC ensures the following:

- The Complaints and Appeals Policy and Procedure will be available on CSTC's website for easy accessibility. A printed version will be made available on request.
- The focus for resolution will be on the evidence provided in the complaint or appeal and not the individual.
- CSTC's Complaint and Appeals Register will be password protected to maintain confidentiality of all involved in the complaints and appeals process.
- Decisions and processes are free from bias and conflict of interest

Confidentiality will be always maintained to ensure that:

- All parties involved will be protected under the principles of natural justice to ensure procedural fairness.

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- All relevant legislation and regulations governing CSTC including the Privacy Act and the 13 Australian Privacy Principles are complied with.
- Where a formal complaint or appeal has been made, action will be commenced within two (2) business days of CSTC receiving it by acknowledging receipt and five (5) business days to commence investigation to ensure rapid yet effective resolution where possible within 30 calendar days.
- Where the CSTC considers more than 60 calendar days are required to process and finalise the complaint or appeal, CSTC will:
  - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required.
  - regularly update the complainant or appellant on the progress of the matter.
- A complaint is owned by the complainant who has the right to withdraw the complaint at any stage without prejudice and to choose or alter the process. For example, to change the process from informal to formal.

### Complaints Procedural fairness

Complainants and Respondents have the right to have their complaint dealt with fairly, constructively, expeditiously, confidentially, and through the application of the principles of procedural fairness, without reprisal. This includes:

- The respondent(s) being informed of any allegations made in a complaint against them
- Parties to the complaint being advised of the procedures that apply to the management of the complaint, including how long the investigation will take
- Parties to the complaint being informed of the people involved and responsible for handling the complaint
- All parties to the complaint having a right to be heard
- The respondent being provided with an opportunity to respond
- Relevant submissions by parties being fully considered before a decision is made
- A full and proper investigation of the facts
- Outcome of the investigation sent to the complainant and the respondent

### Conflicts of Interest

Parties to the complaint management process, including those engaged to manage the complaint, must declare if a conflict of interest exists and remove themselves from the process.

### Participants under 18

Where a participant is under the age of eighteen (18) years or there are exceptional circumstances which result in the participant being vulnerable, they may request that an advocate (friend, guardian, or nominee) acts on their behalf and represents their wishes and views, with CSTC not unreasonably denying such a request.

### Anonymous Complaints

No action on anonymous complaints received about staff unless the issues raised are serious and sufficient information is provided to warrant further enquiry into the allegations. Depending on the nature of the complaint, details of the complaint may be referred to other external agencies for investigation, as necessary.

### Malicious Complaints

Complaints are accepted as genuine about perceived inappropriate or unfair behaviour or actions. However, on some occasions a complaint may be frivolous or malicious i.e., designed to harass or annoy, to

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cause delay or detriment, or for any other wrongful purpose.

If a participant or staff member makes a false allegation in retaliation for management taking disciplinary action or providing counselling, they may be subject to consequences, including being treated as engaging in serious misconduct.

### **Participant enrolment status**

During the complaints and or appeals process, enrolment of a student will be maintained.

### **External Review**

Complainants are entitled under Australian law to seek a review of their complaints with CSTC to external agencies and where applicable regulatory authorities. Most external agencies expect the complainant to have accessed and implemented internal complaint resolution and appeals processes before accepting a case. This means that appeals to external agencies should be a last resort.

## **Appeals**

CSTC's appeals process is related with a participant right to request change to decisions or processes of an official nature, usually in relation to academic or procedural matters (e.g., assessment results or certificate issuance).

## Procedures

### Complaint Procedure

#### *Important notice*

*A complainant may withdraw their informal or formal complaint at any stage without prejudice. However, if a complaint which includes, but is not limited to allegations and/or incidents that:*

- *require CSTC to take direct action (e.g. sexual harassment, threat of harm to self or others);*
- *are potential offences under law that could be proven (e.g. actual or alleged sexual, physical, or other assault); or*
- *may otherwise present a significant risk to CSTC, its participants staff and/or community.*

*CSTC will cease the complaint process until investigations are completed.*

### Stage 1 - Informal complaint

Prior to initiating the formal complaint process, the parties involved will attempt to resolve concerns directly where possible. It is expected that many concerns can be resolved in this manner and participants are encouraged to raise concerns directly with their trainer, particularly where the concerns are adversely affecting the learning environment.

- Informal complaints are usually minor disputes or difficulties that (in most cases) could reasonably be expected to be resolved without an independent assessment or assistance. These are defined by CSTC as a *grievance*.
- At all times, the complainant is encouraged to resolve the problem directly between themselves and the respondent.

Resolution may take the form of:

- Speaking with each party individually
- Mediating a meeting with all parties present
- Referring the matter to the appropriate authorities if applicable
- Taking no action, except to discuss the matter with the parties and documenting all relevant details in the ***Complaints and Appeals Register***

If complainants are not satisfied with the resolution of an informal complaint, they may lodge a formal – written complaint. **Stage 2 – Formal complaint**

### Stage 2 – Formal complaint

- Participants may make a formal complaint by completing the Complaints and Appeals Form, sending an email or a written letter to Head of Compliance at [feedback@cstc.org.au](mailto:feedback@cstc.org.au)

The complainant should provide the following information for complaints to be reviewed and addressed effectively:

- Identify themselves and provide contact information.
  - Clearly identify the concern and define the matter.
  - Provide all relevant information available at the time.
  - State their desired outcome.
  - Promptly respond to any requests for further information.
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- Acknowledgement will be given in writing within two (2) working days of receipt of the complaint.
  - A confidential file will be opened and maintained by Head of Compliance until resolution of the complaint is finalised.

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- The **Complaints and Appeals Register** will be populated with all complaint details.
- Under the guidance of the Head of Compliance, the investigation process will commence no later than five (5) business days after submission and including the following:
  - Assess the complaint
  - Gather the facts by Interviewing the complainant and the respondent and maintain confidentiality throughout the process
  - Discuss the complaint with relevant staff members involved or named in the complaint
  - Offer to arrange conciliation and mediation where applicable
  - Determine the outcome, and advise all parties in writing of the decision-making process, actions required and their right to appeal the decision within 10 business days of receiving the outcome

### Appeal Procedure

#### Complaint Outcome - Independent Third-Party review

Where the complainant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external mediator at their own cost.

- Appeals or requests for independent review of decisions are to be lodged in writing within 10 business days of the appeal decision.
- Requests for the appeal documents to be forwarded to the external mediator within 5 business days
- CSTC will work with the third party or external mediator in a professional and open manner to resolve the appeal
- The independent review officer makes a decision to the RTO and the complainant.
- Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately by the Head of Compliance who notifies the Business Manager of any actions to be implemented.
- All documentation is securely filed, and the outcome and continuous improvement action noted in the *Complaints and Appeals Register*.

#### Assessment decisions Appeals Procedure

Assessment appeals prior to initiating a formal assessment appeal process:

- the appellant must attempt to resolve concerns directly with their assessor wherever possible.
- The assessor will hear the student's appeal, make a fair judgement to the best of their ability as to whether the change(s) are required and then discuss their final decision with the student.
- If the student is still dissatisfied with the assessor's decision, they have the right to take the appeal to the formal stage and to address the appeal to Head of Compliance at [feedback@cstc.org.au](mailto:feedback@cstc.org.au)
- The student must complete Section 2 of the Complaints and Appeals Form and lodge this within 10 business days of the original assessment outcome date.

The appellant should provide the following information for complaints to be reviewed and addressed effectively:

- Identify themselves and provide contact information.
  - Clearly identify the concern and define the matter.
  - Provide all relevant information available at the time.
  - State their desired outcome.
  - Promptly respond to any requests for further information.
- The appeals process is consistent with the Complaints Procedure in this document.

## Complaints and Appeals Policy and Procedure

### Related Documents

- Student Enrolment Policy and Procedure
- Business Quality Policy and Procedure
- Complaints and Appeals form
- Complaints and Appeals register
- Student Handbook
- Continuous Improvement Register
- Version control register
- Continuous Improvement register

### Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the Business Manager.

### Publishing details

<b>Document name</b>	Complaints and Appeals Policy and Procedure
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