

Complaints and Appeals Process

Purpose

This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals lodged with Create Your Reality College of Kinesiology (the RTO) can be resolved, equitably and efficiently, in accordance with the principles of natural justice. The Complaints Policy is there to manage and respond to allegations involving the conduct of the RTO, its trainers, assessors or other staff, a third party providing services on the RTO's behalf, its trainers, assessors or other staff or student of the RTO.

Definitions

Complaints and Appeals include, but are not restricted to, matters of concern to a student or staff member relating to training delivery and assessment including the quality of the training, student support, learning materials, discrimination; and sexual harassment,

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know of what s/he is accused;
- All parties are told the decision and the reasons for the decision.

Policy

The RTO acknowledges that a student, member of staff, or a member of the public, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation.

The person making the complaint has the right to present the complaint or appeal formally and in writing.

The RTO will manage all complaints and appeals fairly, equitably and efficiently as possible.

The RTO will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, the RTO acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.

Confidentiality will be maintained throughout the process of making and resolving complaints. The RTO seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.

A copy of this Policy is available to all students and staff via the RTO and is available in the Student Handbook. The information will also contain details of external authorities that they may approach.

Where complaints or appeals have been received, RTOs must securely keep evidence of how the matter was dealt with and the outcome (including the timeframes). The RTO will use this information received via any complaint to review the RTO's processes and practices to ensure the issue doesn't happen again.

Procedure

Should a complaint or appeal be lodged, the following steps are to be followed:

1. If appropriate and possible, the Student should discuss the issue / complaint with the person involved to try and resolve it verbally.
2. If no resolution is reached the student should, if appropriate and possible, discuss the issue / complaint with his / her trainer to see if it can be resolved.
3. If still no resolution can be reached, or the issue is not related to a fellow student or a trainer, the student must put the following information relating to the complaint or appeal in writing using the Complaints or Appeals Form.
 - A description of the complaint or appeal;
 - State whether they wish to formally present their case;
 - Steps taken thus far to deal with issue / complaint;
 - What outcomes they would like to fix the problem & prevent it from happening again.
4. If appropriate, the person making the complaint should bring the complaint or appeal to the attention of the trainer within seven (7) days of the issue taking place.
5. If the person making the complaint is not a student, but a staff member or a member of the public, or if the complaint or appeal has not dealt with to the student's satisfaction within a seven (7) day period, they may bring it to the attention of the CEO.

The CEO will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence within 48 hours from the time the CEO, or their delegate, receives written notification from the person making the complaint. A response / acknowledgment must be presented within 7 days.

The CEO / or Management Representative, must review the complaint and arrange a time for all parties to formally present their side / version of events. This should be arranged at separate times, ensuring neither party faces prejudice or fear of reprisal or victimisation.

6. Once all parties have had a chance to present their information, the CEO / Management Representative will provide a written response to all parties confirming the outcome of the complaint within the 14-day period.

7. Should the issue still not be resolved to the satisfaction of the person making the complaint, the RTO will make arrangements for an independent external person to resolve the issue. All parties will be given the opportunity to formally present their case. The time frame for this process may vary but should take no longer than 14 days.
8. If any party is still not happy with external mediation, they may lodge a complaint via the National Training Complaints Hotline on 13 38 73, or they may take their complaint to the Australian Skills Quality Authority (ASQA) or other relevant body such as the relevant state department of Fair Trading.

For more information, refer to the following links:

- <http://www.education.gov.au/national-training-complaints-hotline-1>
 - <http://www.asqa.gov.au/complaints/complaints.html>
 - <https://rms.asqa.gov.au/registration/newcomplaint.aspx>
9. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.
 10. All documentation relating to complaints or appeals will be securely archived either with the student file or in the RTO's document management system for audit purposes.
 11. The RTO's CEO will be person responsible for the implementation and maintenance of the policy.

Related Standard

Clause 6.1

The RTO has 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 or
- c) a student of the RTO.

Clause 6.2

The RTO has an Appeals Policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

Clause 6.3

The RTO's Complaints Policy and Appeals Policy:

- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
- e) provide for review by an appropriate party independent of the RTO 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.

Clause 6.4

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- b) regularly updates the complainant or appellant on the progress of the matter.

Clause 6.5

The RTO:

- a) securely maintains records of all complaints and appeals and their outcomes, and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Clause 6.6

Not Applicable