

## Complaints and Appeals Policy & Procedure

### 1. Policy

- 1.1 If a client has a complaint that they wish to raise with Advanced Training Institute they are encouraged to do so through this Complaints and Appeals procedure. Clients are also encouraged to appeal any Advanced Training Institute decision if they feel they have valid grounds via the Appeals process as per this policy. Clients can also lodge a complaint or appeal against any decision made by a third party providing services on Advanced Training Institute behalf, its trainers, assessors or others.
- 1.2 Advanced Training Institute uses the term complaint to refer to a person's expression of dissatisfaction with any aspect of Advanced Training Institute services. The term appeal refers to a request by a client to review a decision that Advanced Training Institute they have made. Complaints and appeals may be made by both clients seeking to enroll with Advanced Training Institute, as well as existing clients in relation to both academic and non-academic matters such as:
  - the enrolment, induction/orientation process;
  - the quality of education provided;
  - academic issues, including student progress, assessment, curriculum and awards in a course of study;
  - handling of personal information and access to personal records;
  - the conduct of a member of staff or another learner.
  - the way someone has been treated.
- 1.3 This policy and procedure is based on the principles of natural justice and procedural fairness, including allowing students to be heard, to have an unbiased decision maker and for the decision to be made on logical evidence and disputed further if required.
- 1.4 This policy ensures that the requirements of the Standards for RTOs 2015, the Higher Education Support Act 2003 Schedule 1A VET Guidelines are met.
- 1.5 Clients may lodge informal and formal complaints. Clients may also access Advanced Training Institute internal and the external appeals process. There is no charge for lodging a complaint or appeal.
- 1.6 Advanced Training Institute has a procedure for informal/ formal complaints and internal and external appeals processing/ handling.
- 1.7 All complaints and appeals lodged will be used for continuous improvement purposes.
- 1.8 The CEO is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines. All staff will be provided with information and training in their induction in relation to this policy and procedure.
- 1.9 This policy will be implemented in compliance with the requirements of the Standards of Registered Training Organisations (RTOs) 2015 Standard 6.
- 1.10 This policy and procedure applies to all Advanced Training Institute clients and staff.
- 1.11 Clients right to access Australian consumer protection law and other legal remedies are not affected by this policy and procedure.
- 1.12 All clients are provided information on Advanced Training Institute Complaints and appeals policy and procedure pre and post enrolment.
- 1.13 Advanced Training Institute encourages all parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- 1.14 Clients may be accompanied and assisted by a representative at any time.

- 1.15 Clients' enrolments are maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- 1.16 If there is any matter arising from a client complaint or appeal that is a systemic issue which requires improvement action this will be reported to Advanced Training Institute management meeting as part of the continuous improvement process.
- 1.17 The client will incur no cost during the complaints and appeals process unless they seek external representation.
- 1.18 Complaints and appeals are taken seriously by Advanced Training Institute and action is commenced within 5 days of receipt of a complaint or appeal. Advanced Training Institute act upon the outcome of any complaint found to be substantiated. Appeals must be lodged within 20 working days of the decision of a complaint process or assessment result.
- 1.19 Clients are provided the opportunity to lodge their complaint or appeal in writing and may access records in relation to the complaint or appeal as indicated in the Record Management Policy and Procedure and in the Client Information Handbook.
- 1.20 All records are handled securely and confidentially in accordance with the Records Management Policy and Procedure. Records of both informal and formal complaints and appeals will be kept for at least five (5) years.
- 1.21 The following procedure outlines how clients will have their complaints and appeals processed.

## Procedure

---

### 2. Informal Complaint Process – General Complaints

- 2.1 Clients are encouraged to approach any member of Advanced Training Institute staff and make an informal complaint about any issue relating to their training. Clients can lodge a complaint against any decision made by a third party providing services on Advanced Training Institute behalf, its trainers, assessors or others.
- 2.2 Where possible staff members utilise advice, discussions, and general mediation in relation to the issue/ complaint. Staff members try and resolve the issue informally.
- 2.3 Any staff member can be involved in this informal process to resolve issues.
- 2.4 Staff members refer clients to the Training Manager if they feel they cannot or it is not appropriate for them to try and resolve the complaint/ issue. The Training Manager may seek advice from or delegate the handling of the complaint to academic or welfare personnel.
- 2.5 Staff may arrange a future meeting with the client if further investigation is required.
- 2.6 The outcome of the investigation is communicated to the client within an agreed timescale.
- 2.7 If the complaint is against the Training Manager another member of staff should be approached and deal with the complaint.
- 2.8 The outcome of the informal complaint should be communicated to the client within 5 working days of lodgment.
- 2.9 Clients who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.
- 2.10 All staff members should log informal complaints and outcomes in the complaints & appeals register for continuous improvement purposes.

### 3. Formal process - General Complaints

- 3.1 Clients are encouraged to make a formal complaint about any issue relating to their studies at the RTO. Clients can lodge a complaint against any decision made by a third party providing services on Advanced Training Institute behalf, its trainers, assessors or others. Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 2 working days of Advanced Training Institute receiving the formal complaint form.
- 3.2 If dissatisfied with the outcome of the informal complaints process, clients should complete the Complaints & Appeals form (with assistance from the Training Manager if required).
- 3.3 Clients should lodge formal complaints using the Complaints & Appeals form located in the Advanced Training Institute website and state office.
- 3.4 Complaints & Appeals forms are to be submitted to: Training Manager Advanced Training Institute (Shop 2 163 -165 Main Road West St. Albans Vic 3021) or via e-mail to [info@atinstitute.com.au](mailto:info@atinstitute.com.au)
- 3.5 If the complaint is against the Training Manager the CEO will deal with the complaint. The complaints form and supporting documentation are to be forwarded to the CEO, Advanced Training Institute (Shop 2 163 -165 Main Road West St. Albans Vic 3021) or via e-mail to [info@atinstitute.com.au](mailto:info@atinstitute.com.au)
- 3.6 Advanced Training Institute processes the complaint/ appeal within 20 working days of lodgment.

- 3.7 Advanced Training Institute gives clients every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the client where possible.
- 3.8 The Training Manager (or delegate) will investigate the complaint and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 3.9 If appropriate the Training Manager may seek advice from internal/ external Welfare Support services and/ or involve welfare support personnel in the handling of the complaint.
- 3.10 If appropriate the Training Manager may seek advice from Academic staff and/ or involve Academic staff in the handling of the complaint.
- 3.11 If appropriate the Training Manager may implement Advanced Training Institute Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 3.12 The Training Manager may delegate the handling of the complaint to an appropriate staff member if appropriate.
- 3.13 The Training Manager may arrange a meeting with the client during the investigation process if appropriate.
- 3.14 If a meeting is initiated the Training Manager and at least one other appropriate member of staff will attend the meeting and review the evidence in coming to a decision.
- 3.15 Meeting minutes will be taken and made available to all parties.
- 3.16 Clients' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the client.
- 3.17 At the meeting the client has the opportunity to submit and discuss the grounds/ evidence for their complaint.
- 3.18 Advanced Training Institute staff consider all evidence from the client and Advanced Training Institute in coming to decisions.
- 3.19 Advanced Training Institute regularly updates the complainant or appellant on the progress of the complaint or appeal while it being processed. Where Advanced Training Institute considers that the complaint or appeal will take longer than 60 days to resolve, the client will be informed of this in writing, including the reasons why and timing of the updates that will be provided. This will be at least weekly.
- 3.20 Advanced Training Institute staff clarifies evidence/ information to ensure they fully understand all aspects of the issue.
- 3.21 On reviewing the evidence staff attempt to negotiate a resolution to the issue/ complaint if appropriate.
- 3.22 The Training Manager notifies the client in writing of Advanced Training Institute decision within 3 working days of the decision being made. This will include reasons for the decision.
- 3.23 Clients are notified of their right to appeal any decision within 20 working days of receiving notification if they are not satisfied with the outcome of the process. They are also notified how to access the process.
- 3.24 All formal complaints and outcomes are recorded in the Complaints and Appeals Register. If appropriate the continuous improvement register will be updated.
- 3.25 If a client's complaint is substantiated through this process the Training Manager will take immediate corrective action.
- 3.26 All relevant documentation relating to the complaint is stored in the client's file and kept for a period of at least five years.
- 3.27 The internal appeals procedure is outlined below.

## 4. Internal appeals process – General appeals

- 4.1 If clients are not satisfied with an Advanced Training Institute decision they may appeal by accessing the appeals process. Clients can lodge an appeal against any decision made by a third party providing services on Advanced Training Institute behalf, its trainers, assessors or others. Clients will be forwarded a letter (by email or post) acknowledging the receipt of their Appeals form and a copy of this policy and procedure within 2 working days of Advanced Training Institute receiving the Appeals form.
- 4.2 The client will not incur costs when accessing the internal appeals process unless they seek representation.
- 4.3 General appeals may be made in relation to the following areas:
  - 4.4 The outcome of a formal complaint
  - 4.5 The outcome of action being brought against the client for breaching the code of conduct
  - 4.6 Clients must have reasonable grounds for an appeal and include all supporting evidence with the Complaints & Appeals form.
  - 4.7 The Training Manager can assist clients with completing the Complaints and Appeal form.
  - 4.8 The Training Manager is not able to assist clients in establishing if they have reasonable grounds for an appeal.
  - 4.9 Clients have the right to seek advice from and be represented by external parties at any time during the appeals process. The cost of this will be borne by the client.
- 4.10 If the appeal is in relation to the Training Manager and/ or his decisions another member of staff will deal with the process.
- 4.11 If the appeal is lodged as a result of the outcome of a complaint, the staff members who dealt with the complaint will not handle the appeal.
- 4.12 Clients must lodge an appeal within 20 working days of being notified by Advanced Training Institute of any decision they wish to appeal.
- 4.13 Clients must lodge appeals using the Complaints & Appeals form located in the client information handbook and or available [info@at institute.com.au](mailto:info@at institute.com.au)
- 4.14 Complaints & Appeals forms are to be submitted to: Training Manager Advanced Training Institute or via e-mail to [info@at institute.com.au](mailto:info@at institute.com.au)
- 4.15 The appeals process will commence within 3 working days of lodgment and the outcome communicated to the client within 20 working days of lodgment. On receiving an appeal Advanced Training Institute will arrange a meeting to take place and inform the client in writing.
- 4.16 The client and representative (if requested), Training Manager and two other appropriate members of staff will attend the meeting.
- 4.17 Staff handling the appeal provide clients every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the client where possible.
- 4.18 Advanced Training Institute considers all the evidence and liaises with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 4.19 If appropriate Advanced Training Institute staff may seek advice from internal/ external welfare support services and/ or academic staff.
- 4.20 Advanced Training Institute regularly updates the complainant or appellant on the progress of the complaint or appeal while it being processed. Where Advanced Training Institute considers that the complaint or appeal will take longer than 60 days to resolve, the client will be informed of this in writing, including the reasons why and timing of the updates that will be provided. This will be at least weekly.

- 4.21 If appropriate Advanced Training Institute staff may implement Advanced Training Institute Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 4.22 Advanced Training Institute representatives will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 4.23 The evidence will be reviewed in an impartial manner in coming to a decision.
- 4.24 Minutes of the meeting will be taken including the outcome of the appeal. This will also include the reasons for the decision. The minutes will be signed by all present.
- 4.25 Advanced Training Institute staff discuss the reasons for the decision with the appellant.
- 4.26 If the outcome is in favour of the client Advanced Training Institute will immediately commence corrective/ improvement action.
- 4.27 Clients are posted written confirmation of the outcome the next business day. The letter details the reasons for the decision and informs the client of their right to access the external appeals process within 20 working days of receipt of the letter (if appropriate). Information on how to access this process is also provided.
- 4.28 The complaints and appeals register is updated. The continuous improvement register may also be updated.
- 4.29 All evidence will be placed in the clients file and a record of the appeal will be kept for at least 5 years.
- 4.30 There are no further avenues within Advanced Training Institute for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available to clients.
- 4.31 Details of the external appeals process and how clients may access it are outlined below.
- 4.32 Clients may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the client are to be covered by the client.

## 5 Internal appeals process – Assessments

- 5.1 The client will not incur costs when accessing the internal appeals process unless they seek representation.
- 5.2 If a client feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal an assessment decision. Clients can lodge an appeal against any decision made by Advanced Training Institute or a third party assessor.
- 5.3 Clients should approach their assessor in this case outlining the reasons for their appeal.
- 5.4 If the assessor feels there are reasonable grounds for the appeal he/ she may decide to re-assess the client.
- 5.5 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the clients file.
- 5.6 If the assessor decides to refuse the client an opportunity for re-assessment, the client may lodge a formal appeal by submitting a complaints and appeal form. The client must provide reasons for the appeal along with any supporting evidence.
- 5.7 Complaints & Appeals forms are to be submitted to: Training Manager Advanced Training Institute or via e-mail to [info@atinstitute.com.au](mailto:info@atinstitute.com.au) Clients will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 2 working days of Advanced Training Institute receiving the appeals form.
- 5.8 If the appeal is in relation to the Training Manager's decision another member of staff will deal with the process.



- 5.9 The staff member reviews all the supporting documentation and discusses the situation with the assessor and client. A decision will be made after all the evidence has been considered.
- 5.10 If the Training Manager or other staff member handling the process decides that the clients appeal be upheld the following will apply.
- 5.11 The assessment in question will be marked by a different trainer (or by a trainer from another RTO if appropriate and feasible) and the outcome communicated to the client.
- 5.12 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the clients file.
- 5.13 The client will be awarded the grade that gives them the most favourable outcome between the two submissions.
- 5.14 If the clients appeal is refused they will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the client of their right to access the external appeals process and how to do so.
- 5.15 Clients can only appeal an assessment decision once.
- 5.16 If clients are dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of this procedure and how to access it are outlined below.
- 5.17 Clients may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the client are to be covered by the client.
- 5.18 Record of assessment appeals will be kept for a minimum of 5 years.

## 6. External appeals process

- 6.1 Clients can lodge an external appeal against any decision made by Advanced Training Institute or a third party providing services on Advanced Training Institute behalf, its trainers, assessors or others.
- 6.2 Clients may access the external appeals process with the Melbourne Commercial Arbitration and Mediation Centre (<http://www.mcamh.com.au>) who have a cost of \$950 per matter. This will be shared equally by ATI and the client. Appellants are also able to nominate their own external party at their own cost.
- 6.3 Clients must lodge external appeals using the Complaints & Appeals form the state office or available from [info@atinstitute.com.au](mailto:info@atinstitute.com.au)
- 6.4 Complaints & Appeals forms are to be submitted to: Training Manager Advanced Training Institute (Shop 2 163 -165 Main Road West St. Albans Vic 3021) or via e-mail to [info@atinstitute.com.au](mailto:info@atinstitute.com.au) Clients will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 2 working days of Advanced Training Institute receiving the informal complaint form.
- 6.5 Advanced Training Institute will forward all external appeals with Melbourne Commercial Arbitration and Mediation Centre within two working days of lodgment.
- 6.6 Lawyer will advise the client that in general, the purpose of the external appeals process is to determine whether Advanced Training Institute has followed its internal complaints and appeals policy and procedure.
- 6.7 Lawyers will not review the evidence or make a decision in place of the one made by Advanced Training Institute.
- 6.8 Clients will not incur costs in accessing the external appeals process unless they seek external representation.

- 6.9 All documentation is placed in the clients file.
- 6.10 Melbourne Commercial Arbitration and Mediation Centre Lawyers will provide a written statement of the outcome including reasons and details for the decision to the appellant and Advanced Training Institute at the completion of the external appeals process.
- 6.11 If the outcome of the external appeals process results in a decision favouring the client, Advanced Training Institute will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The client will be advised as to the course of action taken by Advanced Training Institute as per Lawyers advice.
- 6.12 The client will be contacted within 24 hours of receiving notification from Melbourne Commercial Arbitration and Mediation Centre of the decision.
- 6.13 The client may access and receive the outcome of only one external appeals process.

### Further information

Advanced Training Institute Complaints and Appeals policy and procedure in no way effects the clients right to access consumer affairs legislation and legal representation.

Clients also have the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against Advanced Training Institute. Note that ASQA cannot act as a student advocate and uses the information reported through complaints to inform how it regulates training providers.

Clients may also access a National VET Complaints at 13 38 73.

### National VET Regulator

Australian Skills Quality Authority

Web: [www.asqa.gov.au](http://www.asqa.gov.au)

Email: [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)

Phone: 1300 701 801



## Documents to be employed when implementing this policy and procedure:

- Client information handbook
- Complaints and appeals form
- Complaints and appeals register
- Continuous improvement policy and procedure
- Continuous improvement register

## Revision history

| Creation/<br>Revision<br>Date | Comment  | Created/ Revised by |
|-------------------------------|--|---------------------|
| TBA                           | Policy and procedure created                                   | CEO                 |
| TBA                           | Policy and procedure updated to meet VET FEE-HELP requirements | CEO                 |