

# Complaints and Appeals

## POLICY

This policy/procedure supports the PGA of Australia Institute (PGAI) to provide a process for complaints and appeals to be heard and actioned. This includes any allegations involving the conduct of

- the RTO, its trainers, assessors or other staff;
- a third-party providing services on the RTOs behalf, its trainers, assessors or other staff; or
- a student of the RTO

This policy also details the process for any complaints and appeals made. This Policy and Procedure will ensure that all complaints and appeals are dealt with fairly and efficiently and applies to all students.

## Definitions

**Appeal:** An appeal is where a student of an RTO, or other interested party, may dispute a decision made by the PGA IGI. The decision made by PGA IGI may be an assessment decision or may be about any other aspect of the PGA IGI operations.

**Complaint:** A complaint is any expression of dissatisfaction with an action product or service of the PGA IGI. This may be informal (not officially recorded) or formal (made on official complaints form and recorded)

All complaints and appeals received by PGAI will be viewed as an opportunity for improvement.

Despite all efforts of PGAI to provide satisfactory services to its students and clients, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student (unless referred to a third party; see procedure for more details).

## PROCEDURE

The complaints and appeals policy and procedure and applicable form is made available to all students, potential students by directly contacting the RTO, through the RTO's website, and within the Student Handbook.

### General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the complainant's issue. Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed:

## **General Complaints Cont.**

Any student, potential student, or third party may submit a formal complaint to PGAI with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process.

Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the PGAI Senior Manager.

Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. This form can be gained by contacting Student Administration at the PGAI or through the RTO website.

All formally submitted complaints or appeals are submitted to Student Administration or directly to the PGAI Senior Manager. Complaints are to include the following information:

- Submission date of complaint
- Name of complainant;
- Nature of complaint;
- Date of the event which lead to the complaint
- Attachments (if applicable)

Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the RTO Compliance Administrator. The information to be contained and updated within the register is as follows:

- Submission date of complaint
- Name of complainant
- Description of complaint / appeal
- Determined Resolution
- Date of Resolution

The complainant shall be notified in writing that their complaint has been received and registered with the RTO.

A complainant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.

The PGAI Senior Manager shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

## **General Complaints Cont.**

As part of the process of investigating the complaint the PGA Senior Manager shall ensure the principles of natural justice and procedural fairness are maintained at all times. This includes informing and involving all parties involved in the allegations or cause for the complaint. There will be opportunities provided to all parties to provide their version of the event(s) or action(s) that have caused the complaint. The collection of information and details regarding the complaint will be conducted in a manner that ensures the privacy and confidentiality of all parties involved.

To ensure the fairness of the complaints system, the complaints resolution process (investigation and determining outcomes of a complaint) must be completed by a person independent of the complaint. In other words where the complaint is in relation to the RTO Manager or the CEO's actions, the complaint shall be referred immediately to the external and independent mediator listed below.

In the unlikely event that the complaint is not finalised within 60 calendar days, the RTO shall ensure that the complainant shall be provided reasons for the delay, and will be regularly kept informed and updated of the progress of the matter.

Once a decision has been reached the PGAI Senior Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.

The PGAI Senior Manager shall ensure that the RTO will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the registered provider must immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant of the outcome.

Copies of all documentation, outcomes and further action required will be placed into the 'Complaints and Appeals Register' by the PGAI Senior Manager and on the student's file / complainant's file.

## **Appealing a Decision**

All complainants have the right to appeal decisions made by PGAI where reasonable grounds can be established. The areas in which a complainant may appeal a decision made by PGAI may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion / decision that is made after a complaint has been dealt with by PGAI in the first instance.

## **Appealing a Decision**

To activate the appeals process the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Student Administration Department.

The complainant shall be notified in writing that their appeal has been received and registered with the RTO.

The PGAI Senior Manager shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

The PGAI Senior Manager shall ensure that PGAI acts on any substantiated appeal.

Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

### **General Appeals**

Where a complainant has appealed a decision or outcome of a formal complaint, they are required to notify PGAI in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

The appeal shall be lodged through the PGAI Senior Manager and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.

The PGAI Senior Manager shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

The complainant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The complainant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify PGAI if they wish to proceed with the external appeals process.

### **Assessment Appeals**

Where a student wishes to appeal an assessment, they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the reassessment outlining the reasons why assessment was or was not granted.

## **Assessment Appeals**

If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with the student administrations department and the appeal shall be entered into the 'Complaints and Appeals Register.'

The PGAI Senior Manager shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer & Assessor appointed by PGAI

The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify PGAI if they wish to proceed with the external appeals process.

## **External (Independent) Appeals:**

In addition to the above internal processes, if the processes fail to resolve the complaint or appeal, or the complainant or appellant is still dissatisfied with the decision of the RTO, an application with an independent and external dispute resolution body can be submitted to allow for any decisions made by the RTO in relation to the complaints and / or appeals process to be reviewed independently of the RTO. (See below for contact details).

It should also be noted that any complaints or appeals about the CEO or PGAI Senior Manager will automatically be dealt with by this external and independent mediator in the first instance of the complaint being received.

Where the RTO is informed that the student has accessed external appeals processes: The RTO will maintain a student's enrolment until the external appeal process is finalised. The RTO will comply with the findings of the external appeals process.

Where a decision or outcome is in favour of the complainant, PGAI shall follow the required action and recommendation from the relevant external appeals organisation to satisfy the student's grievance as soon as practicable.

The decision of the independent mediator is final and any further action the student wishes to take is outside the RTO's policies and procedures. Students wishing to take further action shall be referred to the appropriate government agencies and this information can be gained from the CEO.

All records and correspondence in relation to an external appeal shall be maintained with the initial complaint and internal appeal documentation within the 'Complaints and Appeals Register' and the student file for a minimum of 5 years.

### **Independent Mediator:**

#### Victorian Students:

The Dispute Settlement Centre of Victoria (DSCV) is a free dispute resolution and mediation service funded by the Victorian Government and may be able to assist resolve any outstanding complaint or issue with the complaint handling process. Further details and office locations for this service are available from <http://www.disputes.vic.gov.au/>

#### New South Wales Students:

Community Justice Centres (CJC) is a free dispute resolution service funded by the New South Wales Government. Further details and office locations for this service are available from <http://www.cjc.justice.nsw.gov.au/>

#### Queensland Students:

The Queensland Government has Dispute Resolution Centres available to provide mediation services. In most cases it is free to take part in mediation. Further details and office locations for this service are available from <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation/>

#### Western Australian Students:

Legal Aid Western Australia has a listing of mediation services:  
<https://www.legalaid.wa.gov.au/InformationAboutTheLaw/legalproblem/Disputeresolution/Pages/MediationDisputeResolution.aspx>

### **Further information**

If, after the RTO's internal complaints and appeals processes have been completed, you still believe the RTO is breaching or has breached its legal requirements, you can submit a complaint to ASQA by completing the online complaint form. To submit the complaint students will need to go to ASQAconnect: <https://asqaconnect.asqa.gov.au/>

Except in exceptional circumstances, you must attach evidence to your complaint form showing: that you have followed your RTO's formal complaints procedure, and the RTO's response.

ASQA's processes require you to identify yourself to ASQA as a complainant, although you may request that your identity is kept confidential throughout any investigation that ASQA undertakes.

### **National Training Complaints Hotline**

Alternatively, students are able to contact the National Training Complaints Hotline which is designed to protect the interests of students and employers. The contact details are as follows:

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

Phone: 13 38 73

Students are also able to submit their complaint via email following the process described at <https://www.dewr.gov.au/national-training-complaints-hotline/national-training-and-complaints-hotline-complaints-form>

### **Preventative and Corrective Action**

If the internal or any external complaint handling or appeal processes result in a decision that supports the complainant, PGAI will immediately implement any decision and/or corrective and preventive action that is required, and advise the complainant, and all involved in the matter, of the outcome.

In all cases where a complaint, internal appeal, or external appeal is submitted results in any type of corrective action to be taken by the RTO, details of the complaint and / or appeal shall be reviewed to ensure that steps are taken to eliminate or mitigate the likelihood of recurrence.

In addition, the complaints and appeals register shall be monitored by the PGAI Senior Manager to ensure that all complaints and appeals submitted, regardless of the outcome, are able to be monitored and reviewed to ensure appropriate steps and actions are identified to prevent further re-occurrence.

The details of the complaint and resulting outcome(s) shall be reviewed as part of the RTO's next management meeting with the purpose of identifying the potential causes of the initial complaint. The RTO will then determine appropriate steps to be taken so as to remove the potential issue arising again in the future. Where the complaint has arisen due to any employee or student actions, appropriate mechanisms shall be implemented to ensure appropriate education is provided to prevent recurrence of potential issues.