

TOID: 22594

Policy and Procedure

POLICY:	COMPLAINTS AND APPEALS
Ref:	AQTF: Standard 2.7; RTO Standards: 6

Policy Statement	<p>This Policy and Procedure supports 'Standard 2.7-AQTF' and 'Standard 6-RTO Standards'</p> <p>The AVWA seeks to continuously provide a high quality education and training environment that is safe, fair and free from discrimination, in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes.</p> <p>An essential part of developing that environment is ensuring that staff and students are encouraged to come forward with their complaints in the knowledge that the responsible staff member will take prompt and effective action to address complaints.</p> <p>Complaints and appeals that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced learning and academic achievement. Unresolved or poorly handled complaints can also lead to legal action against the AVWA.</p> <p>The procedures aim to avoid blame and undue investigation. This policy applies to all students undertaking training in courses offered by the AVWA as well as AVWA staff and clients. All parties have the right to be accompanied and assisted by a support person in every relevant meeting they attend.</p> <p>This policy applies to all complaints requiring resolution except those covered under Equal Opportunity or Access and Equity.</p> <p>In handling a complaint, whether formal or informal, confidentiality will be maintained to:</p> <ul style="list-style-type: none"> • Protect all parties involved in a complaint under the principles of natural justice • Prevent the possibility of a defamation or other legal action • Involve the minimum number of people possible <p>All students, staff are to be informed of the complaint resolution process.</p> <p>Despite all efforts of the AVWA to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have complaints resolved and resolutions reached.</p>
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	<p>Each complainant or appellant has an opportunity to formally present their case at minimal or no cost to themselves.</p> <p>The Complaints and Appeals process does not remove the right of the appellant to take action under Australia's Consumer Protection Laws.</p>
Objectives	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> • Ensure a fair and consistent approach in dealing with complaints or appeals that arise during training delivery in accordance with the principles of natural justice. • Assist students, trainers/assessors, other staff, a third party providing services on the RTO's behalf and its staff with access to an appeal procedure and ensuring that appeal system is accessible and not unduly complex • Ensure the issue is reported to Training Management Team and addressed through the AVWA continuous improvement process via the complaints register so that learner complaints and appeals are used as an opportunity for improvement.
Implementation	<p>The Complaints and Appeals Policy will be implemented through the Quality System and follow and be subsequently audited as a Procedure – Complaints and Appeals.</p>
Scope	<p>This Policy applies to:</p> <ul style="list-style-type: none"> • AVWA, its trainers, assessors or other staff; AND • all students <p>A Complaints and Appeals Flow Chart (Appendix A) outlines the 3 stages of the Complaints and Appeals process.</p>

PROCEDURE:	COMPLAINTS AND APPEALS
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<p>Action / Method</p>	<p>STAGE 1 – Informal Complaint Resolution</p> <p>Where possible all non-formal attempts shall be made to resolve the complaint, this may include advice, discussions, and general mediation in relation to the issue and the complaint. Any staff 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.</p> <p>STAGE 2 – Formal Complaints and Appeals Resolution</p> <ul style="list-style-type: none"> • All complaints and appeals are submitted to the Training Manager. The Administration Officer has the responsibility to record the complaint in the first instance in the ‘Complaints Register’. Complaints are to include the following information: <ul style="list-style-type: none"> - Submission date of complaint - Name of complainant; - Nature of complaint; - Date of the event which lead to the complaint - Attachments (if applicable); • The complaint is entered into the ‘Complaints Register’ by the Administration Officer in the following format, and is monitored and updated by the Training Manager on a regular basis: <ul style="list-style-type: none"> - Submission date of complaint - Name of complainant; - Description of complaint / appeal - Determined Resolution; and - Date of Resolution. • Steps to lodge the Complaint and Appeal Form: <ul style="list-style-type: none"> - Get the form from the administration officer or download from avwa.org.au - Please lodge the form to the Training Manager by: <ul style="list-style-type: none"> + Email: Phuong.ngo@avwa.org.au or + Postal address: 7/6 South Rd, Braybrook, Vic 3019.
<p>Action / Method (cont)</p>	<p>STAGE 2 – Formal Complaints and Appeals Resolution (cont)</p> <ul style="list-style-type: none"> • In the case of a student, once a complaint has been filed and logged in the ‘Complaints and Appeals Register’ the Training Manager shall notify the CEO of the complaint and provide any further documentation related to the matter. • Complainants and/or appellants may be assisted or accompanied by a Support officer at all meetings regardless of the nature of the complaint. • Training Manager and one other person nominated by the CEO will resolve the formal complaint within 5 business days by reviewing, clarifying, investigating and discussing the matter with other relevant staff. However, when the authorised officers receive any complaint, they should assess the nature of the complaint, and assign a priority based on the urgent of the issue.

	<p>All documentation to be provided by Student. The student will be given all opportunities to respond.</p> <ul style="list-style-type: none"> • Once a decision has been reached the Training Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. • Copies of all documentation, outcomes and further action required are securely stored in locked filing cabinets by the Training Manager. The CEO and Training Manager must not disclose the information, without the prior written approval of the Department of Education and Training. • In the case of staff and client complaints, the process is managed by the Training Manager and/or CEO, whose responsibility is to ensure a similar process to student complaints is followed. • Within the notification of the outcome of the formal complaint, complainants and appellants shall also be notified that they have the right of appeal. To appeal a decision, the AVWA must receive, in writing, grounds of the appeal. Please refer to the Complaints and Appeals procedure and the Appeal Application Form. <p>Internal Appeals</p> <ul style="list-style-type: none"> • All complainants have the right to appeal decisions made by the AVWA where reasonable grounds can be established. The areas in which a complainant may appeal a decision made by the AVWA may include: <ul style="list-style-type: none"> - Assessments conducted - Reported breaches of academic progress, misbehaviour of fee payment requirements - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment - Or any other conclusion that is made after a complaint has been dealt with by the AVWA in the first instance. • To activate the appeals, process the complainant is to complete an Appeal Application 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 obtained from Student Administration Section. • The Training Manager shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate. • The process for all formally lodged internal appeals will begin within 5 working days of the appeal being lodged. • Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed. • Appeals lodged by staff and clients will be managed by the Training Manager, in accordance with the above processes.
<p>Action/Method (cont)</p>	<p>STAGE 2 – Formal Complaints and Appeals Resolution (cont)</p> <p>Formal Appeals</p>

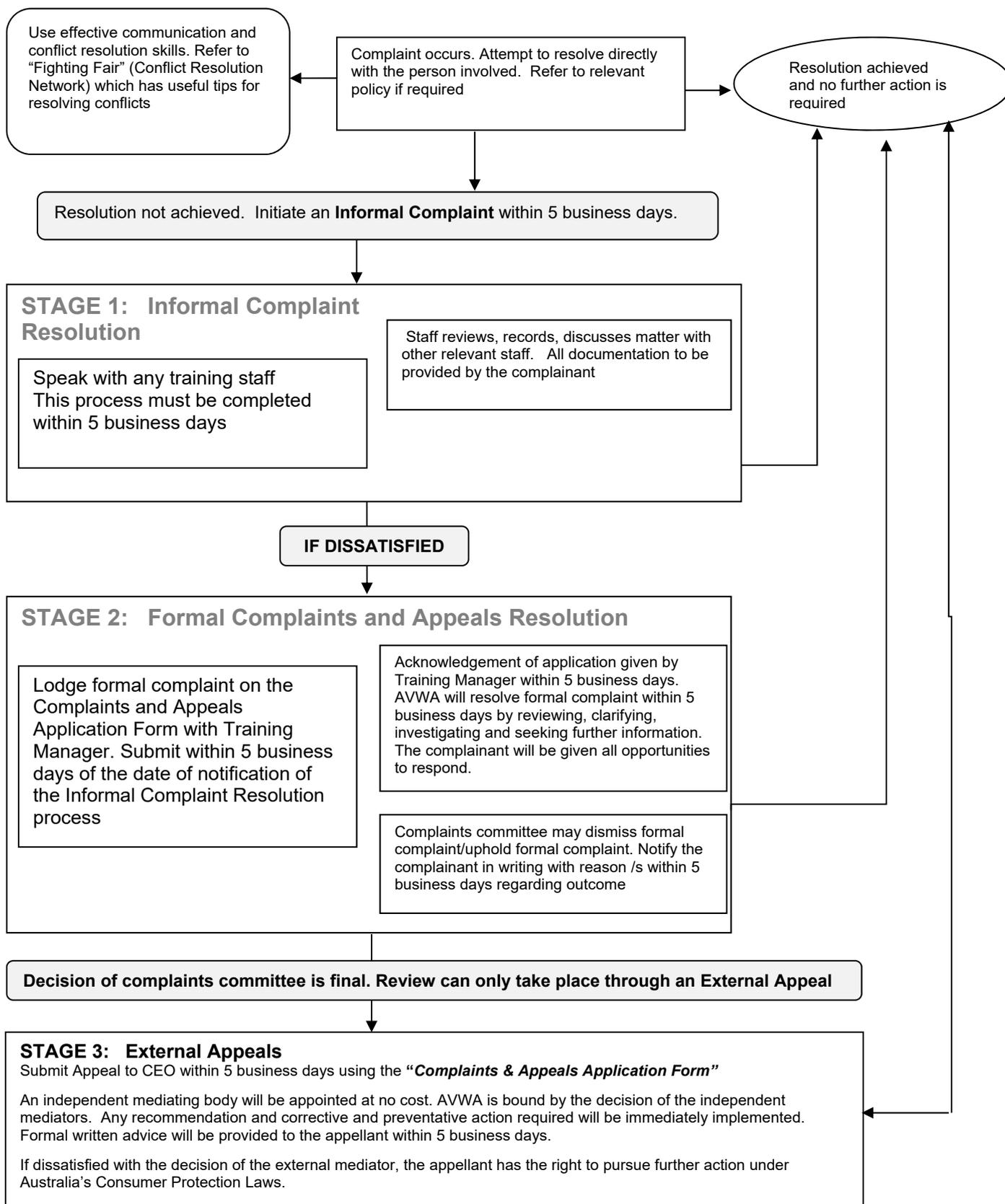
	<ul style="list-style-type: none"> • Where a complainant has appealed a decision or outcome of a formal complaint they are required to notify the AVWA in writing on the Appeal Application Form within 14 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal. • The Appeal Application shall be lodged through the Training Manager shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'. • The complainant shall be notified in writing of the outcome including details of how and why the decisions to be made and relevant evidences to be provided to the complainant or other relevant party. • Appeals lodged by staff and clients will be managed by the Training Manager, in accordance with the above processes. <p>Assessment Appeals</p> <ul style="list-style-type: none"> • Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to review and remark the assessments to ensure a fair and equitable decision is gained. • If the student is still not satisfied the student can formally lodge an appeal by submitting an Application for Appeal, outlining their reasons for the appeal. They shall lodge this with Training Manager and the appeal shall be entered into the 'Complaints and Appeals Register'. • The Training Manager shall be notified and shall seek details from the 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 assessor appointed by the AVWA. • The student shall be notified in writing of the outcome and the 'Complaints and Appeals Register' updated.
<p>Action/Method (cont)</p>	<p>Appealing Deferrals, Suspension or Cancellation of Enrolment Decisions</p> <ul style="list-style-type: none"> • Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge an Appeal Application Form, outlining the details of their appeal. Students should have extenuated circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal. • The appeal shall be lodged this with the Training Manager and the appeal shall be entered into the 'Complaints and Appeals Register'. • The Training Manager shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal. • The student shall be notified in writing of the outcome and the 'Complaints and Appeals Register' updated. <p>STAGE 3 – External Appeals</p> <ul style="list-style-type: none"> • If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, the complainants

	<p>have the right to access an external independent / third party mediator. Complainants have a number of external appeal options including:</p> <ul style="list-style-type: none">• VRQA (https://www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx)• Victorian Ombudsman (https://www.ombudsman.vic.gov.au)• Dispute Settlement Centre of Victoria (http://www.disputes.vic.gov.au) <ul style="list-style-type: none">• If the complainant wishes to lodge an external appeal or complain about this decision, they can contact the CEO.• The decision of this independent mediator is final and any further action the complainant wishes to take is outside the AVWA's policies and procedures.• Where a decision or outcome is in favour of the complainant the AVWA shall follow the required action to satisfy the complainant's complaint as soon as practicable.• Where a decision or outcome is in favour of the AVWA, the complainant may exercise his/her rights to appeal under Australia's Consumer Protection Laws.
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COMPLAINTS AND APPEALS FLOW CHART

APPENDIX A

Note: Complaints/Appeals lodged by Staff or Clients will be handled by the Training Manager (referred to below for Complaints and Appeals). All external appeals will be submitted to the CEO.



Version/date	Summary of changes made
V1.6 (17/04/2024)	Update to new AVWA logo Use gender-neutral language
V1.5 (24/11/2022)	Update title “Training Coordinator” to “Training Manager” Update External Appeal website for VRQA: https://www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx
V1.4 (18/2/2021)	Addition: Provide more detail of steps to lodge the form
V1.3 (12/10/2018)	Modify the outcome of formal complaint to complainant and ensure the confidentiality of student’s complaint information. Details of the outcomes to be provided to the complainant. Timeline for Complaint’s resolution
V1.2(5/6/2014)	Additions: Adding and modify “External Appeal” to the policy and procedures Learners have a number of external appeal options including : <ul style="list-style-type: none"> • VRQA (http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx) • Victorian Ombudsman (https://www.ombudsman.vic.gov.au) • Dispute Settlement Centre of Victoria (http://www.disputes.vic.gov.au)
V1 (18/2/2014)	Original