

Complaints and Appeals Policy and Procedure

Policy Statement

Deltawest Training aims to achieve both staff and student satisfaction with its course delivery and assessment and ultimately its course outcomes by providing a quality student-focused experience by qualified and highly experienced and professional trainers and assessors. Any issues or concerns raised by staff or students will be dealt with fairly and in confidence according to the principles of natural justice and procedural fairness. Attention to the issues and their resolution will be used to continuously improve Deltawest Training's operations and the training and assessment experiences for both staff and students.

Responsible Person / Authority to Change

Chief Executive Officer

Link/s to Regulatory Requirements

Standards for RTOs 2015: Standard 6.

Principles:

1. Complaints

Deltawest Training will manage and respond to complaints or grievances involving the conduct of:

- Deltawest Training;
- its trainers, assessors or other staff; or
- other students enrolled with Deltawest Training.

2. Appeals

Students will be informed via the Student Handbook and via the website, of their right to appeal any decision made by Deltawest Training including those made in response to a complaint or grievance. Staff will be informed of their access to this process during staff induction. There is also a specific type of appeal students can make if they disagree with an assessment decision that has been made. This is referred to as an academic appeal to distinguish it from other types of appeal.

3. Management of complaints and appeals

In managing complaints and grievances and requests for a review of decisions, including assessment decisions, Deltawest Training will:

- apply the principles of natural justice and procedural fairness (ie the right to be heard, the evidence rule, and the rule against bias) at every stage of the complaint and appeal process, by:
 - informing those involved of the allegations made
 - providing those involved with an opportunity to present their side of the matter (the right to be heard)
 - basing all decisions on evidence, where the standard of proof is on the balance of probabilities, rather than beyond all reasonable doubt (the evidence rule), and
 - operating in a fair and unbiased way (the bias rule);

- make the complaints and appeals policy publicly available through the website;
- provide a clear process for making a complaint or appeal;
- acknowledge complaints and appeals in writing and finalise them as soon as possible;
- maintain privacy and confidentiality, and anonymity if requested; and
- provide for a review by an independent party agreeable to both Deltawest Training and the person making the complaint or appeal, if requested, whenever processes have failed to resolve the complaint or appeal.

Procedure:

4. Informal process

- Anyone making a complaint is encouraged to raise the matter informally with a trainer, assessor, other staff or the CEO in order to resolve the matter quickly if possible. This can occur by speaking to or emailing the nominated person.
- Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported unless the person consulted determines that the issue, question or complaint is serious enough or relevant to the wider operations of Deltawest Training.
- Anyone who is not satisfied with the outcome of the informal process, or simply wishes to, can lodge a formal complaint. These complaints must be in writing and lodged using the formal complaints and appeals process.

5. Formal process

- If students choose to access Deltawest Training's complaints and appeals process, students' enrolments must be maintained while the complaints and appeals process is underway.

Lodging a complaint

- To lodge a formal complaint, a person must complete the form for complaints and appeals available from reception/administration and submit it to, a trainer, assessor, administration or the CEO.
- The form must provide a detailed description of the complaint including relevant information such as names, dates, course codes (if relevant), and documentary evidence including emails. Vague generalisations, hearsay or innuendo are not helpful. The complaint must be evidence-based so it can be properly investigated and acted upon.
- Actions already taken to resolve the complaint and the outcome sought should also be included.
- Deltawest Training will acknowledge receipt of the formal complaint form in writing, place a copy on record and arrange a meeting between the complainant and the CEO.
- All meetings arranged must be within 10 working days of the complaint unless all parties agree in writing to a different timeframe. *This is the lodgement phase.*

Dealing with complaints

- The CEO will attempt to resolve the complaint with the person, a support person of their choosing, if any, and any other parties who may be involved.

- A maximum time of 15 working days will be allowed for resolution unless all parties agree in writing to a different timeframe. *This period is the resolution phase.*
- Where Deltawest Training determines that more than 60 calendar days may be required to process and finalise the complaint, it will
 - inform the complainant in writing, explaining why more than 60 calendar days may be required, and
 - regularly update the complainant on the progress of the matter.
- At the complaint meeting with the CEO, the CEO must sign and date that the complaint has been heard.
- If the complaint relates to actions by the CEO, an independent person may be appointed to investigate the matter, as agreed by both parties.

Outcome of complaints

- At the end of the resolution phase (15 working days or such other time as agreed to by all parties in writing) Deltawest Training Administration or the CEO will report the decision and the reasons for the decision, to the complainant in writing.
- The report will also be put on record.

Appeals against complaint outcome

- If a person is dissatisfied with the outcome of the formal complaint process they may institute an appeals process by putting their appeal in writing and lodging it within 10 working days of receiving the written report of the outcome.
- Deltawest Training's appeal process must commence within 10 working days of receiving the appeal.
- The CEO may appoint a person who was not involved in the original decision to consult with the appellant and other relevant parties.
- Where such consultations take the form of face-to-face interviews, the appellant may ask another person to accompany them to the interview. The appeal process must be completed within 15 working days after commencement of the appeal process unless otherwise agreed in writing.
- The CEO will provide a written report to the appellant within 2 working days of the outcome of the appeal explaining the decision and the reasons for the decision.
- This report will also be put on record.
- If the appellant feels that after this process, the issue is still not resolved, the matter may be referred to an independent adjudicator agreed to by the CEO and the appellant. Should the process reach this stage without resolution, Deltawest Training will report the facts provided and/or the allegations made and the actions taken in accordance with this complaints and appeals process, to the VET Regulator if required.

Actions arising from complaints

- Any systemic issues identified as a result of complaints will be recorded in the complaints and appeals register and assigned to Deltawest Training's continuous improvement process to be discussed and actioned at staff/management meetings.
- Any complaint that is found to be vexatious, meaning that it was made for reasons other than those stated, was without substance or made simply to damage the reputation of

other students, trainers/assessors, Deltawest Training or other RTO staff, will be referred to the appropriate authorities – in the first instance, the VET Regulator. Under the law, a vexatious complaint is a form of abuse that has the power to hurt or disrupt an individual or business, affect their reputation and cause psychological injury. Such complaints are not lawful and will not be tolerated by Deltawest Training.

6. Academic Appeals

- Any complaint or appeal about an assessment decision is termed an 'Academic Appeal'. Appeals about assessment will be treated seriously, investigated thoroughly and dealt with according to the merits of the appeal. Grounds for an academic appeal may include alleged:
 - incorrect marking
 - misinterpretation of evidence
 - missing evidence – evidence submitted but not considered
 - inappropriate, incomplete or unfair assessment procedures
 - assessor bias, unfairness or misjudgement.
- If students have a problem with their final assessment outcome, they have the right to appeal against the assessment decision. Students have a maximum period of one month in which they can appeal against a final result of Not Yet Competent (NYC).

7. Informal Process

- The process for academic appeals in the first instance is consultation with the assessor. In case the assessor can't resolve the issue, students are encouraged to contact Deltawest Training administration or the CEO by email or telephone to seek a satisfactory resolution. Appeals dealt with in this way do not become part of the formal appeals process and will not be documented, recorded or reported unless the CEO or the assessor involved determines that the issue in question is relevant to the wider operation of Deltawest Training.
- Students who are not satisfied with the outcome of the informal academic appeal are encouraged to lodge a formal academic appeal in writing.

8. Formal Process

- To lodge a formal academic appeal a student must complete the student complaints and appeals form available from reception/administration and submit it to their assessor, Deltawest Training administration or the CEO.
- Deltawest Training will acknowledge receipt of the appeal in writing, update the student's records folder, and arrange a meeting between the student and the CEO.
- All meetings arranged must be within 10 working days of the appeal unless all parties agree in writing to a different timeframe.
- The student may present their case with the assistance of a support person, if they so wish.
- The CEO will attempt to resolve the appeal by forming an academic appeals panel which will consist of two people – the CEO and a qualified trainer/assessor other than the student's original assessor.

- The academic appeals panel and the student may call significant people to provide information or evidence in order to assist in making a decision.
- Neither the student nor the support person may be present during the deliberations of the academic appeals panel.
- A maximum time of 15 working days will be allowed for resolution unless all parties agree in writing to extend this time.
- Where Deltawest Training determines that more than 60 calendar days may be required to process and finalise the appeal, Deltawest Training will:
 - inform the student in writing, explaining why more than 60 calendar days may be required, and
 - regularly update the student on the progress of the matter.
- At the end of the resolution phase (15 working days or such other time as agreed to by all parties in writing) Deltawest Training Administration or the CEO will provide the review panel's decision and the reasons for the decision, in writing to the student. The decision and reasons for the decision will also be stored in the student records folder.
- The decision of the academic appeals panel may be to:
 - uphold the original decision of the assessor
 - recommend another assessment is undertaken with a new assessor
 - uphold the appeal and award successful completion of the unit/s of competency that were the subject of the academic appeal.
- If the student feels that after this process, the issue is still not resolved, the matter may be referred to an independent adjudicator agreed to by the CEO and the student.

Actions arising from complaints

- Any systemic issues identified as a result of appeals will be recorded in the complaints and appeals register and referred to Deltawest Training's continuous improvement process to be discussed and actioned at staff/management meetings.

Links to other systems, processes or documents:

- Complaints and appeals form
- Complaints and appeals register
- Continuous improvement and quality assurance process.