

## **THE RTO STUDENT COMPLAINTS AND APPEALS PROCEDURE**

### **1 PURPOSE**

- 1.1 The RTO Student Complaints and Appeals Procedure sets out the procedures for implementing The RTO Student Complaints and Appeals Policy.
- 1.2 The RTO aims to:
  - 1.2.1 Foster a culture that welcomes student complaints/appeals as a valuable opportunity to improve organisational or academic processes, student experience or training courses.
  - 1.2.2 Ensure that student complaints/appeals are resolved promptly and fairly. Privacy and confidentiality will be considered by the staff member managing the complaint.
  - 1.2.3 Ensure the principles of natural justice and procedural fairness are incorporated into the complaint handling process to ensure that decision-making is fair and reasonable.
  - 1.2.4 Ensure natural justice is observed when it affects the rights, interests or legitimate expectations of individuals.
  - 1.2.5 Ensure actions are implemented to prevent recurrence of issues.

### **2 SCOPE**

- 2.1 The Procedure provides complainants and appellants a clear process to follow in order to register a complaint and/or appeal. It ensures that all parties involved are kept informed of the resulting actions and outcomes throughout the resolution process.

### **3 MAKING A COMPLAINT**

- 3.1 A complaint must be received in writing in order for it to be acted on. Complaints may be made by prospective, current or past students, or client organisations (where the complaint is student-related). There is no time limitation on a person who seeks to make a complaint.
- 3.2 The RTO Student Complaints and Appeals Policy is publicly available. The RTO website and Student Handbook provides guidance on where the policy can be accessed.
- 3.3 All complaints should be addressed to The RTO Director. It is recommended that complainants complete the Student Complaints form which is available on The RTO website.
  - 3.3.1 The complainant receives a written acknowledgement no later than two (2) business days from the time the complaint is received, using the written acknowledgement email template. The acknowledgement informs the complainant that they will receive a written response within fifteen (15) business days and explains the

complaints handling process and the person's rights and obligations. The complaints handling process is explained in The RTO Student Handbook.

- 3.3.2 The complaint must be entered into the Student Complaints and Appeals Register securely maintained on the common drive by the Student Administration Officer.
- 3.3.3 The Student Complaints and Appeals Register identifies the complainant and all affected parties, relations/roles with The RTO, nature of complaint, findings/outcomes, any links with the Continuous Improvement report, and the dates received and closed.
- 3.4 The RTO Director determines whether the complaint requires further investigation or consultation.
- 3.5 Complaints are a standing item on the weekly The RTO Operations meeting to ensure that complaints are appropriately addressed and resolved. Where appropriate, confidentiality is maintained.
- 3.6 Where a complaint is made about or involves allegations about another person (e.g. a trainer), The RTO is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised.
- 3.7 Where a complaint is received which involves allegations of alleged criminal conduct, The RTO Director recommends the complainant refers the matter to the relevant Police Service.
- 3.8 Where the RTO Director considers the complaint to be of a serious nature (for example: reputational risk to Western Sydney University, a major compliance breach or where the RTO Director cannot be impartial), the matter is brought to the attention of the Executive Director Academic Studies. The Executive Director Academic Studies will refer the matter to the Chief Executive Officer of The College (CEO) when needed. Where the CEO deems it necessary, advice will be sought from the Complaints Resolution Unit at Western Sydney University regarding this matter.
- 3.9 Should the matter require investigation to extend beyond the fifteen (15) business day decision period, the RTO Director reviews the outcomes of the investigation/consultation and determines the response within an acceptable timeframe. The complainant and all affected parties are notified within the initial fifteen (15) business day period that the investigation requires more time. The Complaints Response letter template is used to identify the findings and outcomes to the complainant. Section 5 details records retained by The RTO.
- 3.10 Where the issue is of a non-criminal nature The RTO maintains the enrolment of the complainant during the complaint handling process. Where the issue is of a criminal nature The RTO takes advice and direction from the relevant authority. Complaints regarding The RTO staff are addressed through The Complaint Management Policy.
- 3.11 Decisions or outcomes of the complaint handling process that find in favour of the complainant shall be implemented immediately.

- 3.12 The complainant and all affected parties are entitled to state their case and access all relevant information available in The RTO Misconduct documents. Complainants have a right of reply ensuring natural justice and procedural fairness is applied at every stage of the complaint process.
- 3.13 When necessary, an independent panel, being the Student Complaints and Appeals Panel, is convened to hear the complaint/appeal. The panel will consist of three members of The RTO Committee, ensuring diversity is represented in the selection. Student Complaints and Appeals Panel members will not have had previous involvement with the complaint. Panel members will be decided and advised by The RTO Director and approved by the CEO. Panel membership will include a representative who is independent of The College.
- 3.14 The RTO requests written acknowledgement from the complainant once the complaint has been resolved.
- 3.15 Complaint handling procedures conclude with an analysis of the circumstances to identify any opportunities for improvement. Refer to The RTO Quality Assurance and Continuous Improvement Policy.
- 3.16 The outcome of the complaint must be accurately updated and recorded in the Student Complaints and Appeals Register by The RTO Director or the Student Administration Officer.
- 3.17 Once the internal complaint handling process has concluded, where the complainant remains unsatisfied, they will be advised they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.
- 3.18 If the internal process fails to resolve the complaint or appeal, the Complaint or Appeals Process, the complainant may request a review be undertaken by an appropriate party independent of the RTO. Such services can be provided by the Australian Mediation Association, <http://www.ama.asn.au>. The RTO will pay the cost of one mediation session of up to two hours. Should the matter require further mediation, any subsequent cost of the mediation will be borne by the complainant or appellant

## **4 MAKING AN APPEAL**

- 4.1 The RTO Student Complaints and Appeals Policy is publicly available. The RTO website and Student Handbook provides guidance on where the policy can be accessed.
- 4.2 The areas a student may appeal a decision made by The RTO may include:
  - 4.2.1 academic appeals;
  - 4.2.2 deferral, suspension or cancellation decisions made in relation to a students' enrolment; OR
  - 4.2.3 any other conclusion/decision made after a formal complaint has been dealt with by The RTO in the first instance, and where reasonable grounds can be established.
- 4.3 An appeal must be received by The RTO using the Appeals Form available on The RTO website.

- 4.4 The student will summarise the basis of the appeal and the reason why they feel the initial decision was unfair.
- 4.5 All appeals should be addressed to The RTO Director.
  - 4.5.1 The appellant receives a written acknowledgement no later than two (2) business days from the time the appeal is received, using the written acknowledgement email template. The acknowledgement informs the appellant that they will receive a written response within fifteen (15) business days and explains the appeals handling process and the person's rights and obligations. The student complaints and appeals handling process is explained in The RTO Student Handbook.
  - 4.5.2 The appeal must be entered into the Student Complaints and Appeals Register securely maintained on the common drive by the Student Administration Officer. The Student Complaints and Appeals Register identifies the appellant, nature appeal, findings/outcomes, any links with the Continuous Improvement report, and the dates received and closed.
- 4.6 The RTO Director determines whether the appeal requires further investigation or consultation.
- 4.7 The RTO maintains the enrolment of the appellant during the appeal handling process.
- 4.8 For Academic appeals, where a student wishes to appeal an assessment decision, an alternative Assessor is assigned to re-assess the student's submission.
- 4.9 Should the appeal investigation extend beyond the fifteen (15) business day decision period, the RTO Director reviews the outcomes of the investigation/consultation and determines the response within an acceptable timeframe. The appellant is notified within the initial fifteen (15) business day period that the review requires more time. The Appeals Response letter template is used to identify the findings and outcomes to the complainant.
- 4.10 When necessary, an independent panel, being the Student Complaints and Appeals Panel, is convened to hear the appeal. The panel will consist of three members of The RTO Committee, ensuring diversity is represented in the selection. Student Complaints and Appeals Panel members will not have had previous involvement with the appeal. Panel members will be decided and advised by The RTO Director and approved by the CEO.
- 4.11 Appeal handling procedures conclude with an analysis of the circumstances to identify any opportunities for improvement. Refer to The RTO Quality Assurance and Continuous Improvement Policy.
- 4.12 The outcome of the appeal must be accurately updated and recorded in the Student Complaints and Appeals Register by The RTO Director or the Student Administration Officer.
- 4.13 Once the internal appeal process has concluded, where the appellant remains unsatisfied, they will be advised they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.

## **5 RECORD KEEPING**

5.1 All records are kept in line with The RTO's Records Policy and Procedure.

5.1.1 Records are kept of every complaint and appeal including names of all those affected, description of the complaint/ appeal, supporting documents if any, immediate action taken, records relating to the investigation.

5.1.2 All records regardless of their format are saved in a digital format in a secure folder located on The RTO common drive file storage. Restricted access to this folder is given to The RTO Director and the Student Administration Officer. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated.

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### STATUS AND DETAILS

<b>Status</b>	Current		
<b>Version</b>	2		
<b>Effective Date</b>	21 November 2022		
<b>Review Date</b>	21 November 2025		
<b>Approval Policy</b>	The College Senior Management Team		
<b>Governing Authority</b>	Western Sydney University Enterprises Board		
<b>Endorsed by</b>	The RTO Committee		
<b>Unit Responsible</b>	The Registered Training Organisation		
<b>Enquiries Contact</b>	The College RTO E: <a href="mailto:rto@westernsydney.edu.au">rto@westernsydney.edu.au</a>		
<b>Available On</b>	SharePoint	<input type="checkbox"/>	Website <input checked="" type="checkbox"/>
<b>Procedure Code</b>	PRC_OPS_002		
<b>Procedure Category</b>	Operations		
<b>Parent Policy</b>	The RTO Student Complaints and Appeals Policy		
<b>Related Documents, including Legislation/Policies/Procedures</b>	The RTO Admissions Policy The RTO Admissions Procedure The RTO Assessment Policy The RTO Assessment Procedure The RTO Student Complaints and Appeals Policy The RTO Fees and Refunds Policy The RTO Fees and Refunds Procedure The RTO Recognition of Prior Learning and Credit Transfer Policy The RTO Recognition of Prior Learning and Credit Transfer Procedure The RTO Records Policy The RTO Records Procedure		

	<p>The RTO Quality Assurance and Continuous Improvement Policy</p> <p>Western Sydney University's Student Code of Conduct</p> <p>The College Staff Complaint Handling and Resolution Policy</p> <p>The RTO Complaint Form</p> <p>The RTO Appeals Form</p> <p>Acknowledgement Email Templates</p> <p>The Student Complaints Response Letter Template</p> <p>The Appeals Response Letter Template</p> <p>The Standards RTO (2015)</p>
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### **Summary of Changes from Previous Version**

Updated workflow.

# Complaints and Appeals

