

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

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COMPLAINTS AND APPEALS POLICY AND PROCEDURE

1. PURPOSE

- 1.1. LTF has a defined and transparent Complaints and Appeals process sufficiently broad to cover operational activities. LTF will ensure students' Complaints and Appeals are recorded, acknowledged, and dealt with fairly. The procedure provides the mechanisms for students to have their Complaints and Appeals addressed efficiently and effectively, and by an independent party if necessary. This Complaints policy is also publicly available.
- 1.2. VET Student Loans sets out the procedures LTF uses in its management of student complaints and appeals.

2. SCOPE

- 2.1 This document applies to all staff and students at LTF.

3. POLICY STATEMENT

- 3.1 LTF has a Complaints Policy to manage and respond to allegations involving the conduct of its Trainers / Assessors or other staff and students enrolled in a training program with LTF.
- 3.2 LTF has an Appeals Policy to manage requests for a review of decisions, including assessment decisions made by Assessors.
- 3.3 LTF's Complaints and Appeals policy ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and;
 - are publicly available;
 - set out the procedure for making a complaint or requesting an appeal;
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised within 30 days.
- 3.4 LTF will provide the option for review by an appropriate independent party at the request of the individual making the complaint or appeal, if the process fails to resolve the complaint or appeal.
- 3.5 LTF will securely maintain records of all Complaints and Appeals and outcomes, and identify the potential cause of Complaints and Appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

4. DEFINITIONS

4.1 COMPLAINTS

Complaints arise when a client is not satisfied with any aspect of the RTO for example:

- Policy and Procedures.
- quality of a product or service provided by LTF; (training and assessment)
- Facilitators, staff, or other students/employees.

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4.2 APPEALS

Appeals arise when a client is not satisfied with the decision made because of the complaint.

- LTF recognises the differences between Complaints and Appeals. A quick resolution of the matter is in the best interest of all parties concerned.
- Appeals may also arise when a student is not satisfied with an assessment outcome.

5. PROCEDURE

5.1 INFORMAL COMPLAINTS PROCESS

- 5.1.1 Where possible, informal attempts shall be made to resolve the students' complaint. LTF encourages open communication in environment of trust. Therefore, any student with a complaint is encouraged to raise the matter directly with the party concerned in an attempt to resolve the issue mutually.
- 5.1.2 To ensure a record of the informal complaint is maintained, all details of the informal complaints must be emailed to the RTO Manager who will update the Complaints and Appeals Register accordingly.
- 5.1.3 The RTO Manager identify the potential causes of the complaint and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Any member of staff can be involved in the informal process to resolve issues but if the student wishes to place a formal complaint, then the formal process must be followed.

5.2 FORMAL COMPLAINTS PROCESS

- 5.2.1 Any student, potential student or third party may submit a formal complaint to LTF with the reasonable expectation all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to an independent party for resolution
- 5.2.2 Complaints are directed immediately to the RTO Manager, who either investigates them or refers them to the relevant supervisor if there is any conflict of interest (e.g. if the complaint is about the conduct of the RTO Manager then the complaint is referred to the CEO).
- 5.2.3 A student or client who wishes to submit a formal complaint can do so by completing the 'Complaints and Appeals Form' found as an appendix to this document via website or they can obtain a copy of the form from LTFs' office.
- 5.2.4 Complaints are submitted in writing within 7 days of the occurrence or incident taking place
- 5.2.5 When appealing an assessment result, the application should occur 14 days after the result being given to the student.
- 5.2.6 LTF will review complaints or appeals raised within these time periods. If the complaint or appeal is raised outside these timeframes, then the complaint or appeal will be considered only in exceptional or compelling circumstances.

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- 5.2.7 LTF staff will conduct separate interviews with the person making the complaint and where necessary the person the complaint is about.
- 5.2.8 The complaint/appeal must be submitted in writing, it must not be anonymous, and it must be forwarded to the RTO Manager. All formal complaints submitted must contain as many details as possible:
- Date complaint was submitted
 - Name of complainant
 - Nature of complaint and brief description
 - Date of the event which led to the complaint
 - A description of a possible desired outcome
 - Attachments (if applicable)
- 5.2.9 Once a complaint has been received, the details will be recorded in the 'Complaints and Appeals Register'. This spreadsheet is monitored by the RTO Manager.
- The information included for retention on the register includes:
- Date the complaint was submitted
 - Name of complainant
 - Description of complaint
 - The resolution once agreed
 - Date of resolution
- 5.2.10 After submission of the complaint, LTF will acknowledge receipt and contact the student/client of the status of the complaint within 10 days of receiving the written complaint
- 5.2.11 If required, relevant staff will be informed and given the opportunity to address the complaint through discussion and negotiation. A written statement by staff may be submitted if required.
- 5.2.12 The student has the right to be accompanied by any person of their choice during the complaints or appeals process.
- 5.2.13 Once a complaint has been logged in the 'Complaints and Appeals Register' by the RTO Manager, the CEO will be notified of the complaint and will be provided with all relevant documentation related to the matter.
- 5.2.14 The RTO Manager and CEO shall then refer the matter to the appropriate staff member/s to resolve or make a decision regarding the complaint within 10 working days
- 5.2.15 Once a decision has been reached, the RTO Manager will notify all relevant parties involved of the outcome of the complaint in writing within fourteen (14) working days where possible from the date the complaint was first received. When notifying the student of the outcome, the student will be advised of their right to appeal the decision made by LTF. Students will be referred to the appeals procedure as outlined below.
- 5.2.16 If necessary, consultation with independent external agencies regarding issues raised will occur and necessary actions to resolving the issues will be taken.

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- 5.2.17 A mediator can be provided by the Victorian Chamber of Commerce. LTF agrees to pay the cost of one mediation session of up to two hours and advises that, should the matter require further mediation, it will be at the cost of the complainant or appellant.
- 5.2.18 In the event of serious breaches to policy, practice or professional conduct, either party, being LTF or the affected student/client, may wish to seek legal advice at either party's own expense.
- 5.2.19 The student will be given a written statement on the outcome, including reasons for the outcome within 30 days of receiving the complaint, in the event the complaint cannot be resolved within 30 days LTF will inform the complainant in writing and include the reason why the matter cannot be resolved.
- 5.2.20 All documents relating to the complaint will be stored electronically and on the students' record.
- 5.2.21 Copies of all documentation, outcomes and further action required will be placed on the 'Complaints and Appeals Register' by the RTO Manager and on the students' file.
- 5.2.22 All information gathered during the complaints/appeal will be reviewed by Complaints and Appeals Committee at quarterly meetings to identify the potential causes of the complaint and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

5.3 APPEAL PROCESS

- 5.3.1 If the student is not satisfied with the outcome from the formal complaint, then they have the right to appeal the decision made by LTF where reasonable grounds can be established

The areas a student may appeal a decision made by LTF may include:

- Assessment outcomes.
 - Deferral, suspension or cancellation decisions made in relation to a students' enrolment.
 - Or any other conclusion/decision made after a complaint has been dealt with by LTF in the first instance
- 5.3.2 To activate the appeals process, the student can complete the 'Complaints and Appeals Form' located on the website or they can obtain a copy from the office.
- 5.3.3 The student will summarise the basis of the appeal and the reason why they feel the initial decision was unfair within fourteen (14) working days from the time they received the outcome from their initial complaint using the Complaints and Appeals Form. Help and support with this process can be gained from LTF's Student Manager.
- 5.3.4 Once the appeal has been received, the RTO Manager will determine the validity of the appeal and where necessary organise a meeting with all parties involved in the matter to attempt to seek resolution where appropriate.
- 5.3.5 The process for all formally lodged appeals will commence within seven (7) working days from the date of the appeal lodgement.
- 5.3.6 Where an appeal has been lodged it will be defined into one of the following categories and processed accordingly:

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- A student has appealed a decision or outcome of a formal complaint and notified LTF of their appeal within seven (7) working days from the time they received the initial outcome of their complaint.
- The appeal is lodged through the RTO Manager who will ensure the details of the appeal are documented on the 'Complaints and Appeals Register'
- The RTO Manager will review the initial documentation associated with the complaint and shall make a decision based on the grounds of the appeal
- The student shall be notified in writing of the outcome of the appeal within twenty (20) working days from the date of appeal lodgement, and the 'Complaints and Appeals Register' is updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome.

5.4 ACADEMIC APPEAL PROCESS

- 5.4.1 If a student wishes to appeal an assessment decision, they are to notify their Assessor in the first instance. Where appropriate the Assessor may decide to re-assess the student to ensure a fair and equitable decision was made. The Assessor will complete a written report regarding the re-assessment outlining the reasons why the assessment was or was not competent.
- 5.4.2 If the student is not satisfied, the individual can lodge a formal appeal by completing and submitting the 'Complaints and Appeals Form' to the RTO Manager who will document the information in the 'Complaints and Appeals Register'.
- 5.4.3 The RTO Manager shall seek details from the Assessor involved and any other parties. A decision will be made regarding the appeal, either indicating the assessment decision stands or request a re-assessment by a suitably qualified 'third party' appointed by LTF.
- 5.4.4 The student will be notified in writing within twenty (20) working days from the initial lodgement of their appeal regarding the outcome and the reasons for the decision; the 'Complaints and Appeals Register' is updated. The student will be provided the option of activating the external appeals process if they are not satisfied with the outcome.

5.5 EXTENDED TIMEFRAME

- 5.5.1 Where the LTF considers more than 60 calendar days are required to process and finalise the complaint or appeal, LTF:
 - informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required: and
 - regularly updates the complainant or appellant on the progress of the matter.

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5.6 EXTERNAL APPEALS PROCESS

- 5.6.1 At the completion of the internal resolution process, if a student is dissatisfied regarding the outcome of the appeal LTF has provided, they may wish to refer the matter to an external/independent/third party for mediation.
- 5.6.2 Appeals can relate to the assessment decisions or other decisions such as the decision to exclude a student from a program. Students are encouraged to resolve Complaints and Appeals through LTFs' complaint mechanism.
- 5.6.3 If the student is not satisfied with the complaints and appeal outcome, they can contact other suitable mediators LTF can provide to students include:
- Australian Mediation Association - Commercial and Business Mediation
<http://www.ama.asn.au/commercial-and-business-mediation/>
 - The State Ombudsman Offices available from the websites: *Department of Fair Trading*
 - Industry Associations – for judgement on course content and learning outcomes.

5.7 VET Student Loans

The VET Student Loans Ombudsman will act as the external dispute resolution body to conduct investigations, and make recommendations in relation to VET loan assistance (that is, VET Student Loans) and compliance by VET providers with the Act, the Higher Education Services Act (HESA) and any legislative instruments under either of those Acts. (<https://vet.ombudsman.gov.au>)

As far as practicable LTF will be guided by the [Ombudsman Code of Practice](#) which suggests the following (among others) as best practice:

- Have a senior manager with overall responsibility for managing complaints and communicating their value to the organisation
- Allow students to make a complaint in a variety of ways (telephone, email webform, mail)
- Acknowledge complaints within 2 business days
- Give complainants a contact number and where possible the name of the contact person they can speak to in relation to their complaint.
- Monitor staff performance to ensure complaints are handled properly and appropriate remedies are provided Professionally manage unreasonable complainant behaviour. (VET Student Loans Code of Practice ([ombudsman.gov.au](https://vet.ombudsman.gov.au)))

6. RESPONSIBILITIES

The Chief Executive Officer is responsible for monitoring, reviewing and ensuring compliance with this policy in accordance with Complaints and Appeals Committee.

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7. LEGISLATIVE AUTHORITY

[Standards for RTO's 2015](#)

[Australian Skills Quality Authority](#)

[ESOS Act 2000 National Code 2018](#)

[VET Student Loans Rules 2016](#)

[VET Student Loans Act 2016](#)

[Ombudsman Code of Practice](#)

8. ASSOCIATED DOCUMENTS

- Marketing and Advertising Policy and Procedure
- Student Handbook
- Assessment Policy and Procedure
- Grades and Results Policy and Procedure
- Academic Misconduct Policy
- Continual Improvement Policy and Procedure

9. APPROVAL AND REVIEW DETAILS

Approval and review	Details
Approval authority	Chief Executive Officer
Committee to approve	Complaints and Appeals Committee
Administrator	RTO Manager
Next Review	December 2021
APPENDIX A	Form 1.9 Complaints and Appeals

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APPENDIX A FORM 1.9 COMPLAINTS AND APPEALS

General Instructions: This form is to be used by the current students or current staff who wants to lodge a complaint or appeal of given decision.

- For the procedure of this application, please refer to the Complaints and Appeals Policy.
- The process begins within 10 working days of the formal lodgement of complaint and appeal form.

Information for Student: Read and complete the Form in **BLOCK** letters using a black or blue pen.

Before lodging a complaint, you are requested to carefully read Complaints and Appeals Policy.

- If you are lodging an appeal, this form must be filled and submit within 20 working days from the decision against which you are lodging appeal.
- You are supposed to attach any supporting documentation relevant to your application.
- Student must submit the form to student support officer in person or by email; enrol@learntofly.edu.au

Please tick the relevant information

YOUR PERSONAL DETAILS		APPLICATION DETAILS	
First Name:		Please select reason for application	
Last Name:		<input type="checkbox"/> Complaint	<input type="checkbox"/> Appeal
Student ID:		Reason for complaint (please tick)	
Address:		<input type="checkbox"/> Trainer/Assessor	<input type="checkbox"/> LTF Services
Suburb/Town:		<input type="checkbox"/> Other	
Post Code:		Reason for appeal (please tick)	
Email address:		<input type="checkbox"/> Assessment Outcome	<input type="checkbox"/> Attendance records
Mobile:		<input type="checkbox"/> Notice of Intent to Report	
Course enrolled:		<input type="checkbox"/> Other	

COMPLAINTS OR APPEALS SUMMARY			
<i>Detail description of complaint (include details of dates and person(s) involved)</i>			
<i>Detail description of appeal (include details of dates, decision and person(s) involved)</i>			
<i>Expected outcome</i>			
Do you have a support person who would like to assist you? Please provide details			
Name:		Relationship:	
STUDENT DECLARATION			
I declare that the information provided in this application is true and I have read the Complaint and Appeal policy and procedure. I understand that I may be asked for the further information and may asked to attend the meeting to discuss my application.			
Signature:		Date:	
OFFICE USE ONLY			
Received By:	Position:	Date	
Acknowledgement sent to student:	Date sent:	Email	In Person
Complaints/Appeal added to the next Meeting: <input type="checkbox"/>	Date:	Meeting Date:	
Complaints/Appeal added to the Complaints/Appeal register: <input type="checkbox"/>		Date Entered:	
Student invited to the Meeting: <input type="checkbox"/>		Date:	
<i>Proposed actions identified in the initial meeting</i>			
Student notified of interim notification verbally: <input type="checkbox"/>		Date:	

Student requested for Second Meeting. <i>(The timeframe for the second meeting request is 5 working days of initial meeting)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Student notified of the second meeting date: <input type="checkbox"/>	Meeting Date:
<i>Proposed actions identified in the initial meeting</i>	
Student notified of the outcome of the application: <input type="checkbox"/> Email <input type="checkbox"/> In Person	Date:
Complaint/Appeals Outcome added to the Complaints/Appeal register: <input type="checkbox"/>	Date Entered:
Does student accept the decision? <i>(If student does not accept decision, he may access to External complaint avenues as listed on Complaints and Appeal policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>LTF would not report the overseas student through PRISMS for unsatisfactory course progress or attendance until the overseas student has accessed the internal and external complaints handling and appeals process, and the decision or recommendation supports the registered provider.</i>	
If student access the External Complaints Avenue, please attach the outcome of complaints	