



## Complaints and Appeals Policy and Procedure

### Purpose

This policy and procedure outlines the process undertaken by ARC Training for receiving, investigating and responding to complaints and appeals in a timely, fair and transparent manner and the Principles of Natural Justice are applied at each stage.

### Scope

This policy applies to prospective students, students, staff and other stakeholders affected by the actions of ARC Training, the staff of ARC Training and any third parties acting on behalf of ARC Training.

### Definitions

Appeal	A request by a student to dispute the outcome of a formal complaint and dispute of an assessment outcome.
Assessment appeal	A student which has disagreed with an assessment decision reached and want it to be reviewed.
ASQA	Australian Skills Quality Authority.
Complaint	Dissatisfaction expressed about any aspect of ARC Training's services and activities.
Complainant/appellant	The prospective student or current student who lodged the complaint or appeal.
Stakeholder	Other than a prospective student or current student or staff and has a transactional relationship with ARC Training.
Support Person	A family member, friend or other professional support person other than a qualified legal practitioner to support the complainant/appellant only.

### Aim

To ensure the receiving and responding to complaints and appeals meets the Standards for Registered Training Organisations (RTOs) 2015 other State and Commonwealth Government funding requirements and all relevant legislation.

## Policy

1. The Complaints and Appeals policy to be made publically available on ARC Training website - [www.arctraining.com.au](http://www.arctraining.com.au);
2. ARC Training provides a process for the receiving and managing of complaints and appeals which is easily understandable and embraces the principles of Natural Justice, fairness and transparency throughout all stages of the process;
3. Prospective students will be made aware of the Complaints and Appeals process before enrolling in to a course through the Student Handbook and ARC Training website;
4. Attempts will be made to resolve complaints and appeals with and by the persons involved in a timely manner;
5. All parties involved will have a clear understanding of the steps involved in the complaints and appeals procedure;
6. All complaints and appeals made will be handled professionally and confidentially in order to achieve a satisfactory resolution for the complainant and appellant;
7. All complaints and appeals received will be acknowledged in writing within fourteen (14) calendar days of being received and outline the actions or investigations to be taken;
8. There are no fees associated with ARC Training complaints and appeals process. If Complainants and appellant refer their complaint and appeal to an independent party costs may be incurred;
9. Types of Complaints/Appeal – Academic and Non-Academic:

Academic	Non-Academic
Course progress	Marketing of qualifications
Assessment outcome and results.	Issuance of Certification or Statement of attainment.
Plagiarism.	Training Facilities.
Assessment submission/ resubmissions.	Work placement.
Discrimination or perceived unfair treatment of trainers to Complainant.	Issues and concerns arising from Complainant enrolment.
Cancellation or suspension of enrolment	

10. ARC Training will maintain the enrolment of the complainant/appellant during the complaint or appeals process;
11. Complaint and appeal form to be sent to [support@arcgroup.com.au](mailto:support@arcgroup.com.au) or presented in person at ARC Training office locations;
12. The complainant and the appellant will not be subject to discrimination or harassment resulting from their participation in the complaints and appeals process;
13. Complaints and appeals lodged will be recorded on the ARC Training Complaints Register within forty-eight (48) hours from the date received;
14. The complaints and appeals process does not restrict a person's right to pursue other legal remedies;
15. All complaints and appeals will, where practicable, be finalised within sixty (60) calendar days from date received;
16. All complaints and appeals lodged by a prospective or current student are recorded in the Complaints Register and stored for seven (7) years;
17. Opportunities for improvement that are identified as a result of the complaint and appeal process will be reviewed and recorded as a Continuous Improvement Report or a Corrective Action Request.

# Procedure

There are four (4) stages in the complaints and appeals process to acknowledge and support the resolution of Academic and Non-Academic complaints and appeals. Each stage providing an increase in the level of formality with which the complaint and appeal are managed.

The four (4) stages of the complaints and appeals process are:

**Stage 1** – Informal discussion and negotiation between the student and staff member involved and if required the supervisor involved.

**Stage 2** – Formal internal complaint to the Compliance Manager.

**Stage 3** – Formal internal appeal to the Compliance Manager or RTO Manager.

**Stage 4** – External Appeal which may be dealt with by an independent party or an external agency.

## Complaints - Academic

Procedure - Informal process:

1. Complainant to establish the basis for complaint; and
2. Discuss their Academic complaint directly with their Trainer and Assessor or Program Coordinator in the first instance to resolve the complaint wherever possible.
3. If the student is satisfied with the outcome provided at this stage, no further action is required. If the student is dissatisfied with the outcome, or the decision outcome or the time taken to resolve the matter, Complainant can proceed to make a formal complaint.

Procedure - Formal process:

1. Complainant to access and complete the Complaints and Appeals Form (Appendix 1) to formally seek a resolution. This can be accessed from the website or requested from the Program Coordinators. On the Complaints and Appeals form to:
  - a. Record the exact nature and details of the complaint; and
  - b. Sign and date the Complaints and Appeals form; and
  - c. Submit the form to the Compliance Manager through the following avenues:
    - i. emailed to: Compliance Manager [support@arcgroup.com.au](mailto:support@arcgroup.com.au)
    - ii. mailed to: Compliance Manager, ARC Training, PO Box W276, Parramatta NSW 2150.
2. When complaints are received they will be sent to the Compliance Manager and details will be recorded into Complaints Register. The Compliance Manager acknowledge the complaints documentation lodged by the Complainant within 7 days of receiving the documentation.
3. The Compliance Manager will assess the details of the Complaints and Appeals form and conduct an investigation within fourteen (14) calendar days from the date the complaint was received; and
  - a. An investigation of the validity of the complaint and if further information or action is required; and
  - b. The complainant will have access to their records or assessments during this time if requested; and
4. When the investigation is complete the complainant will be contacted by the Compliance Manager to organise and schedule a meeting whether in person, skype or over the phone to discuss the complaint and the outcome of the investigation in to their complaint and:
  - a. a student may be assisted by a support person at any meeting throughout the complaints process; and
  - b. all findings of the investigation will be made available to the complainant; and
  - c. all possible avenues will be considered to address and resolve the complaint.
5. If the complainant is satisfied with the resolution offered, the complaint will be deemed resolved, no further action is required and documented in the complaints register and complainant's student file.
6. Necessary action plan or correction action identified will be implemented to support the resolution offered.

7. After the meeting, the Compliance Manager will send the complainant a letter within seven (7) calendar days. This letter will outline the outcomes of the complaint, the reasons for the decision and further avenues of the complaint.
8. The complainant will have fourteen (14) calendar days from issuance of the letter, to respond to the Compliance Manager if they require further information and want to appeal the outcome of the complaint.

### **Complaints – Non-Academic**

Procedure - Informal process:

1. Complainant to establish the basis for complaint
2. Discuss their Non-Academic complaint directly with their ARC Training staff member and/or Supervisor in the first instance to resolve the Non-Academic complaint wherever possible.
3. If the student is satisfied with the outcome at this stage, no further action is required. If the student is dissatisfied with the outcome, or the decision outcome or the time taken to resolve the matter, Complainant can proceed to make a formal complaint.

Procedure - Formal process:

1. Complainant to access and complete the Complaints and Appeals Form (Appendix 1) to formally seek a resolution. This can be accessed from the website. On the Complaints and Appeals form to:
  - a. record the details of the Non-Academic complaint
  - b. sign and date the Complaints and Appeals form
  - c. submit the form to the Compliance Manager through the following:
    - i. emailed to: Compliance Manager [support@arcgroup.com.au](mailto:support@arcgroup.com.au)
    - ii. mailed to: Compliance Manager, ARC Training, PO Box W276, Parramatta NSW 2150.
2. When a Non-Academic complaint is received they will be sent to the Compliance Manager and details recorded into Complaints Register. The Compliance Manager acknowledge the complaints documentation lodged by the Complainant within 7 days of receiving the documentation.
3. Compliance Manager will assess the details of the Complaints and Appeals form and conduct an investigation within fourteen (14) calendar days from the date the complaint was received and;
  - a. an investigation of the validity of the Non-Academic complaint and if further information or action is required; and
  - b. discuss with the relevant ARC Training department manager, team members, stakeholders and witnesses linked with the Non-Academic complaint.
4. Once investigated the complainant will be contacted and a meeting arranged to discuss the matter in person, skype or over the phone to discuss the outcome of the investigation and:
  - a. a student may be assisted by a support person at any meeting throughout the complaints process; and
  - b. all findings of the investigation will be made available to the complainant; and
  - c. all possible avenues will be considered to address and resolve the complaint as soon as possible.
5. After the meeting, the Compliance Manager will send the Complainant a letter within seven (7) calendar days. This letter will outline the outcomes of the complaint, the reasons for the decision and further avenues of the complaint.
6. If the complainant is satisfied with the outcome and resolution offered, the complaint will be deemed resolved, no further action is required and documented in the complaints register and complainant's student file.
  7. The Complainant will have fourteen (14) calendar days from issuance of the letter, to respond to the Compliance Manager if they require further information and want to appeal the outcome of the complaint.

### **Academic and Non-Academic Complaints – beyond 60 days.**

1. When the Compliance Manager has determined that it will take more than sixty (60) calendar days to make a decision any academic or non-academic complaint, the Compliance Manager must advise the complainant in writing of the delay and including the reasons why more than sixty (60) calendar days are required.

2. Complainant to be provided with weekly updates via email from the Compliance Manager to inform them of the progress of the complaint.
3. If the complainant is satisfied with the resolution offered, the complaint will be deemed resolved and documented in the complaints register and complainant's student file.

### **Internal Appeal**

1. All enrolled students and stakeholders have the right to appeal decisions made by ARC Training where reasonable grounds can be established. The areas in which an enrolled student or stakeholder may appeal a decision made by ARC Training may include:
  - Any other decision that is made after a complaint has been dealt with ARC Training in the first instance.
  - Assessment decisions and outcomes made by Trainers and Assessors.
  - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment or conduct or action/inaction
2. To activate the appeals process, the appellant to access and complete the Complaints and Appeals Form (Appendix 1). This can be accessed from the website. On the Complaints and Appeals form to:
  - a. lodge an appeal within 7 days of receiving a decision you wish to contest or not agree with
  - b. provide a summary of the grounds the appeal was based upon; and
  - c. the reasons the student feels the decision is unfair is to be clearly explained; and
  - d. sign and date the Complaints and Appeals form; and
  - e. submit the form to the Compliance Manager through the following:
    - i. emailed to: Compliance Manager [support@arcgroup.com.au](mailto:support@arcgroup.com.au)
    - ii. Mailed to: Compliance Manager, ARC Training, PO Box W276, Parramatta NSW 2150.
3. The Compliance Manager will assess the details of the Complaints and Appeals form and conduct a review of the appeal within fourteen (14) calendar days from the date the appeal form was received and;
  - a. investigate the validity of the appeal and if further information or action is required, and
  - b. discuss with the relevant ARC Training department manager and team members linked with the original complaint and appeal.
  - c. to confirm the original decision made or complaint and the original outcome reached, and will make a decision based on the grounds of the appeal.
4. Once investigated the appellant will be contacted and offered to attend a meeting to discuss the appeal or receive an email with written notification of appeal outcome. The appellant may be assisted by a support person at the meeting.
5. Complaints Register will be updated to capture investigation outcomes and the outcome of the appeal.
6. If the appellant is satisfied with the resolution offered, the appeal will be deemed resolved and documented in the complaints register and complainant's student file.
7. Appellant has fourteen (14) calendar days from the date of the meeting or written notification of appeal outcome to contact the Compliance manager to notify if they are not satisfied with the outcome of the appeal and wish to proceed to an external appeal.

### **Appeal – beyond 60 days.**

1. When the Compliance manager has determined that it will take more than sixty (60) calendar days to make a decision on an appeal, the Compliance Manager must advise the appellant in writing of the delay and including the reasons why more than sixty (60) calendar days are required.
2. Appellant to be provided with weekly updates via email from the Compliance Manager to inform them of the progress of the appeal.
3. If the complainant is satisfied with the resolution offered, the complaint will be deemed resolved and documented in the complaints register and complainant's student file.

## External Appeal

1. If the student remains dissatisfied with the response to, decisions and outcomes provided, or the time taken to resolve their complaint and appeal through ARC Training's internal complaints and appeals process the Complainant to be offered the option to proceed to the external appeal process.
2. Complainant has fourteen (14) calendar days from the written acknowledgment to contact the Compliance manager to notify if they wish to proceed to an external appeal process to appoint an appropriate independent party to review a matter.
3. The costs associated with the independent party to review the matter must be agreed to between the complainant/appellant and ARC Training.
4. Student's may make a complaint through the following avenues:
  - Contacting National Training Complaints Hotline for complaints about quality training:
    - i. Contact: 13 38 73 – select option 4, Monday to Friday 9am to 6pm.
    - ii. Email: [NTCH@education.gov.au](mailto:NTCH@education.gov.au)
  - NSW Ombudsman - Contact the New South Wales Ombudsman through the following:
    - i. Visit: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
    - ii. Office number: 02 9286 1000
  - Fair Trading NSW - Contact the Fair Trading New South Wales Office through the following:
    - i. Visit: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)
    - ii. Office number: 13 32 20
  - Complaints relating to Smart and Skilled obligations - contact the Training Service NSW through the following:
    - i. Visit: [https://www.training.nsw.gov.au/about\\_us/contacts.html](https://www.training.nsw.gov.au/about_us/contacts.html)
    - ii. Office number: 1300 772 104
    - iii. Translator and Interpreter services call 13 14 50 and ask them to contact Training Services NSW on 13 40 50
  - Queensland Ombudsman - Contact the Queensland Ombudsman through the following:
    - i. Visit: [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)
    - ii. Office number: 07 3005 7000
  - Office of Fair Trading - Contact the Queensland Office of Fair Trading through the following:
    - i. Visit: [www.qld.gov.au/law/fair-trading](http://www.qld.gov.au/law/fair-trading)
    - ii. Office number: 13 74 68
  - Complaints relating to the Queensland VET Investment plan – contact Department of Employment, Small Business and Training through the following:
    - i. Visit: <https://training.qld.gov.au/about/complaints>
    - ii. Office number: 1300 369 935
  - Contact the Australian Human Rights Commission for complaints regarding discrimination on the grounds of sex, disability, race or age:
    - i. Visit: [www.humanrights.gov.au/complaints/make-complaint](http://www.humanrights.gov.au/complaints/make-complaint)
    - ii. Office number: 1300 656 419
  - Australian Competition and Consumer Commission
    - i. Visit: <https://www.accc.gov.au/contact-us>
    - ii. Office number: 1300 302 502
5. If, after ARC Training's internal complaints and appeals process have been exhausted, the complainant/appellant still believes that ARC Training is breaching or has breached its legal requirements you can contact ASQA to lodge a complaint. Please note that:
  - ASQA does not have any consumer protection powers and therefore does not act as an advocate for individual students, nor is it responsible for resolving disputes between students and training providers.

- You must attach evidence to your complaint form showing that you have followed your RTO's formal complaints procedure and the RTO's response.
  - Contact the Australian Skills Quality Authority through:
    - i. Visit: <https://www.asqa.gov.au/complaints>
    - ii. Office number: 1300 701 801
6. ARC Training will endeavor to be bound by the recommendations arising from the external review of the complaint and appeal, ARC Training will ensure that any recommendations made are implemented within twenty (20) calendar days of receiving the recommendations, unless a shorter timeframe is required and:
- a. The complainant or appellant will be formally notified in writing of the outcome of the external appeal.
  - b. Upon receipt of the findings from the external appeal, ARC Training will review the findings.
  - c. ARC Training will consider any recommendation arising from the external appeal to protect and not disadvantage ARC Training general interest.
  - d. As a result of the external appeal, ARC Training may appeal or not appeal the findings of the external appeal.
  - e. ARC Training will adhere to the recommendation and implement whatever action is required or necessary within twenty (20) calendar days.
  - f. ARC Training will notify the prospective and current student regarding ARC Training response to the external appeal in writing no more than 60 calendar days from the date of receipt of external appeal findings.
7. All steps which are taken and correspondence will be entered into will be recorded on the Complaints Register.

## Requirements of Standards for Registered Training Organisations (RTOs) 2015

ARC Training understands that all procedures must comply with the Standards for Registered Training Organisations (RTOs) 2015, Australian Consumer Law and all other applicable legislation or Government funding requirements.

## Recording

- Complaints and Appeals Form

## Responsibility

The Compliance Manager is responsible for implementing this policy and Procedure.

## Related Policies and Procedures

- Privacy Policy
- Consumer Protection Policy and Procedure
- Assessment Policy and Procedure
- Enrolment Policy and Procedure
- Enrolment deferral, withdrawal and cancellation Policy and Procedure
- ARC Training Student Handbook
- Fees & Refund Policy and Procedure
- Marketing Policy and Procedure

## Complaints and Appeals Form

Section 1 - Person lodging complaint or appeal to complete this section						
<b>Full name:</b>				<b>Date:</b>		
<b>Email:</b>				<b>Phone:</b>		
<b>Category: (please tick)</b>	<input type="checkbox"/>	Student	<input type="checkbox"/>	Trainer/Assessor	<input type="checkbox"/>	Client
	<input type="checkbox"/>	Third Party	<input type="checkbox"/>	Government Funding Provider	<input type="checkbox"/>	Government body
	<input type="checkbox"/>	Member of the public	<input type="checkbox"/>	Other		
<b>If you are a student, please specify the Qualification name and the location of your course:</b>						
<b>Qualification title:</b>				<b>Location:</b>		
<b>If you would like to lodge a complaint or appeal related to a particular course or training session please provide the details below</b>						
<b>I want to lodge a:</b>	<input type="checkbox"/>	Complaint	<input type="checkbox"/>	Appeal		
<b>Trainer/Staff name: (If known)</b>						
<b>Nature of complaint/ appeal:</b>						
<b>Details of complaint/ appeal: Please add extra pages if required</b>						
<b>What would you like to see happen?</b>						
<b>Privacy Notice:</b>						
The information provided on this form will be used exclusively to resolve your appeal/complaint. None of the information you provide on this form will be disclosed to anyone outside of this business without your permission unless we are required to do so by law.						
<b>Signature:</b>				<b>Date:</b>		

Please email or send the completed Complaints and Appeals form to the Compliance Manager

- Email: [support@arcgroup.com.au](mailto:support@arcgroup.com.au)
- Mail: Compliance Manager, ARC Training, PO Box W276, Parramatta NSW 2150



<b>Section 2 – Compliance team member receiving this form to complete this section</b>			
<b>Complaint received by: (ARC staff name)</b>			<b>Date complaint received:</b>
<b>Complaint received via:</b>	<input type="checkbox"/>	Verbally (over the phone)	<input type="checkbox"/>
	<input type="checkbox"/>	Email	<input type="checkbox"/>
	<input type="checkbox"/>	Letter	<input type="checkbox"/>
	<input type="checkbox"/>	Third Party informed	<input type="checkbox"/>
<b>Manager Notified: (ARC staff name)</b>			<b>Decision date:</b>
<b>Proposed resolution:</b>			
<b>Resolution sent to the complainant/appellant attached:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Complaint Outcome:</b>			
<b>Appeal Outcome:</b>			
<b>Response to proposed resolution and outcome:</b>	<input type="checkbox"/>	Agrees and accepts	
	<input type="checkbox"/>	Disagrees and student remains unsatisfied	
<input type="checkbox"/>	A copy of the resolution/outcome has been filed where appropriate	<input type="checkbox"/>	Help student to access services of an independent party or external agency (if applicable)
<b>Follow up actions: (if applicable)</b>			
<b>Entered into RTO Complaints Register by:</b>			<b>Date entered into complaints register:</b>

**Section 3** – Compliance team member to conduct the investigation of the complaint or appeal and attach a detailed report to this form.

**Compliance Manager will take action according to Complaints and Appeals Policy**

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<b>I confirm all required action/s are completed:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Completion date:</b>	
<b>Compliance Representative name:</b>				
<b>Signature:</b>		<b>Date:</b>		