

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 to ensure the Principles of Natural Justice are applied at each stage.

Scope

This policy applies to prospective students, currently enrolled students 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

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|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appeal | A request by a Complainant to dispute or appeal the outcome of a formal complaint or appeal outcome. For the purpose of this document, the Complainant will be identified as an Appellant once the Complainant has lodged an appeal. |
| Appellant | A Complainant which has disagreed with an assessment decision reached and wants 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 Complainant or current Complainant who has lodged the complaint or appeal. |
| Closed | Where the student failed to provide response despite numerous attempt by ARC Training to communicate, ARC Training will consider the complaint closed. |
| Stakeholder | Other than individual or group, is a prospective Complainant or current Complainant or staff that has a transactional relationship with ARC Training. |
| Support Person | A family member, friend or professional support person other than a qualified legal practitioner to support the Complainant/Appellant only. |

Aim

To ensure the action or process of 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 publicly available on ARC Training website - 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 Complainants will be made aware of the Complaints and Appeals process before enrolling into a course through the Complainant 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/Appellant;
7. All complaints and appeals lodged formally by writing will be acknowledged in writing within seven (7) calendar days of being received. ARC Training will conduct investigations and provide the Complainant/Appellant outcome of the complaints/appeals within 14 days from the date the complaint or appeals were lodged.
8. There are no fees associated with ARC Training complaints and appeals process. If Complainants/Appellant refer their complaint and appeal to an independent party costs may be incurred;
9. Types of Complaints/Appeals – 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@arctraining.edu.au or presented in person at ARC Training office locations;
12. The Complainant/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 two (2) business days from the date the complaints or appeals were 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 Complainant 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 event will be reviewed and recorded in Continuous Improvement Register or a Corrective Action Register.
18. All student complaints will be categorised as "closed" if the student who raised the complaint has failed to respond to ARC Training's numerous attempt to resolve the complaints within 14 calendar days.

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 provides an increase in the level of formality with which the complaint/appeal are managed.

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

- Stage 1** – Informal discussion and negotiation between the Complainant and staff member involved and if required the supervisor involved.
- Stage 2** – Formal written complaint lodge to the Compliance or RTO Manager
- Stage 3** – 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 Complainant is satisfied with the outcome provided at this stage no further action is required. If the Complainant is dissatisfied with the outcome, the decision outcome or the time taken to resolve the matter. The 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 ARC Training website or requested from the relevant Program Coordinators. On the Complaints and Appeals form the Complainant is 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 at support@arctraining.edu.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 the Complaints Register. The Compliance Manager will **acknowledge** the complaints documentation lodged by the Complainant within seven (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 (inclusive of the seven days mentioned in point 2 above) from the date the complaint was received and:
 - a. investigate of the validity of the complaint and if further information or action is required; and
 - b. provide Complainant access to their records or assessments during this time if requested

When the investigation is complete the Complainant will be contacted by the Compliance Manager or RTO Manager to organise and schedule a meeting whether in person, by cloud-based video conferencing or over the phone to discuss the complaint and the outcome of the investigation into their complaint. In addition;

- a. A Complainant 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.
4. If the Complainant is satisfied with the resolution offered the complaint will be deemed resolved, no further action required and the outcome documented in the complaints register and Complainant's (student) file. 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.
 5. Necessary action plan or correction action identified will be implemented to support the resolution offered.
 6. 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/or want to appeal the outcome of the complaint.

Complaints – Non-Academic

Procedure - Informal process:

1. Complainant to establish the basis for complaint; and
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 Complainant is satisfied with the outcome at this stage. No further action is required. If the Complainant is dissatisfied with the outcome, the decision outcome or the time taken to resolve the matter, the 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 ; the Complainant is 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 Managers support@arctraining.edu.au

- ii. Mailed to: Compliance Manager, ARC Training, PO Box W276, Parramatta NSW 2150.
2. When a Non-Academic complaint is received it will be sent to the Compliance Manager and details recorded into the Complaints Register. The Compliance Manager will acknowledge the complaints documentation lodged by the Complainant within seven (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, Please note that the fourteen days is inclusive of the seven (7) days to acknowledge the complaint;
 - a. Investigate 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 the complaint is investigated the Complainant will be contacted and a meeting arranged to discuss the matter in person, by cloud-based video conferencing or over the phone to discuss the outcome of the investigation. In addition;
 - a. A Complainant 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 required and documented in the complaints register and Complainant's Complainant 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/or 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 for any academic or non-academic complaint, the Compliance Manager must advise the Complainant in writing of the delay and include the reasons why more than sixty (60) calendar days are required.
2. Complainant to be provided with regular 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 Complainant file.

Internal Appeal

1. All enrolled Complainants and stakeholders have the right to appeal decisions made by ARC Training where reasonable grounds can be established. The areas in which an enrolled Complainant or Stakeholder may appeal a decision made by ARC Training may include:
 - Assessment decisions and outcomes made by Trainers and Assessors.
 - Deferral, suspension, or cancellation decisions made in relation to the Complainant's enrolment or conduct or action/inaction
2. To activate the appeals process, the Appellant is to access and complete the Complaints and Appeals Form (Appendix 1). This can be accessed from the ARC Training website. On the Complaints and Appeals form the Complainant is to:
 - a. Lodge an appeal within seven (7) days of receiving a decision you wish to contest or do not agree with, and;
 - b. Provide a summary of the grounds the appeal was based upon, and ;
 - c. The reasons the Complainant feels the decision is unfair which 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@arctraining.edu.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, and;
 - c. Confirm the original decision made for the complaint and the original outcome reached, and make a decision based on the grounds of the appeal.
4. Once the appeal is investigated the Appellant will be contacted and offered to attend a meeting (in person, cloud-based video conference or phone) to discuss the appeal or receive an email with written notification of the appeal outcome. The Appellant may be assisted by a support person at the meeting.
5. The 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 Complainant file.
7. The 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 include the reasons why more than sixty (60) calendar days are required.
2. Appellant to be provided with regular updates via email from the Compliance Manager to inform them of the progress of the appeal.
3. If the Appellant is satisfied with the resolution offered, the complaint will be deemed resolved and documented in the complaints register and Appellant's file.

External Appeal

1. If the Appellant remains dissatisfied with the response, decisions or outcomes provided, or the time taken to resolve their complaint and/or appeal through ARC Training's internal complaints and appeals process the Appellant is to be offered the option to proceed to the external appeal process. There may be cost associated when opting to access external appeal process. Any cost must be agreed to between the Complainant/Appellant and ARC Training.
2. Appellant has fourteen (14) calendar days from receiving the written acknowledgment of the appeal outcome to contact the Compliance Manager to notify if they wish to proceed to an external appeal process and to appoint an appropriate independent party to review the matter.
3. Appellant 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
 - NSW Ombudsman - Contact the New South Wales Ombudsman through the following:
 - i. Visit: 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
 - 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
 - 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
 - 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
 - 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
 - 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
4. If, after ARC Training's internal complaints and appeals processes have been exhausted, and the Complainant/Appellant still believes that ARC Training is breaching or has breached its legal requirements, the Complainant/Appellant may contact ASQA to lodge a complaint. Please note that:
- ASQA does not have consumer protection powers and therefore does not act as an advocate for individual Complainants, nor is it responsible for resolving disputes between Complainants 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 can be made through:
 - i. Visit: <https://www.asqa.gov.au/complaints>
 - ii. Office number: 1300 701 801
5. ARC Training will endeavor to be bound unless deemed unfair may appeal part of the recommendations arising from the external review of the complaint and appeal. However, ARC Training will ensure that any recommendations made that are deemed to be fair to ARC Training will be implemented within twenty (20) calendar days of receiving the recommendations, unless a shorter timeframe is required and:
- a. Upon receipt of the findings from the external appeal, ARC Training will review the findings.
 - b. The Complainant or Appellant will be formally notified in writing of the outcome of the external appeal.
 - c. As a result of the external appeal, ARC Training may or may not appeal the findings of the external appeal.
 - d. ARC Training will adhere to the recommendation and implement whatever action is required or deemed necessary within twenty (20) calendar days of the appeal outcome.
 - e. ARC Training will notify the Complainant/Appellant 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.

6. All steps taken and correspondence will be entered into and 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 Complainant 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 | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------|--------------------------|-----------------------------|--------------------------|-----------------|
| Full Name: | | | | Date: | | |
| Email: | | | | Phone: | | |
| Category: (please tick) | <input type="checkbox"/> | Complainant | <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 | | |
| If you are a Complainant, please specify the Qualification name and the location of your course: | | | | | | |
| Qualification title: | | | | Location : | | |
| If you would like to lodge a complaint or appeal related to a particular course or training session please provide the details below | | | | | | |
| I want to lodge a: | <input type="checkbox"/> | Complaint | <input type="checkbox"/> | Appeal | | |
| Trainer/Staff Name: (if known) | | | | | | |
| Nature of complaint/appeal: | | | | | | |
| Details of complaint/appeal: (Please add extra pages if required) | | | | | | |
| What would you like to see happen? | | | | | | |
| Privacy Notice: | | | | | | |
| 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 and/or government bodies. | | | | | | |
| Signature: | | | | Date: | | |

Please email or send the completed Complaints and Appeals form to the Compliance Manager Email: support@arctraining.edu.au

| Section 2 – Compliance team member receiving this form to complete this section | | | |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------|
| Complaint received by: (ARC staff Name) | | Date complaint received: | |
| Complaint received via: | <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"/> |
| Manager Notified: (ARC staff Name) | | Decision date: | |
| Proposed resolution: | | | |
| Resolution sent to the Complainant/Appellant attached: | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Complaint Outcome: | | | |
| Appeal Outcome: | | | |
| Response to proposed resolution and outcome: | <input type="checkbox"/> | Agrees and accepts | |
| | <input type="checkbox"/> | Disagrees and Complainant remains unsatisfied | |
| <input type="checkbox"/> | A copy of the resolution/outcome has been filed where appropriate | <input type="checkbox"/> | Help Complainant to access services of an independent party or external agency (if applicable) |
| Follow up actions:(If applicable) | | | |
| | <input type="checkbox"/> Complaint categorized as closed due to the complainant failure to respond to any communication from ARC Training to resolve the complaint. The complainant has 14 calendar days to respond as per point 18 of the Complaints and Appeal Policy and Procedure to any communication request | | |
| Entered into RTO Complaints Register by: | | Date entered into complaints register: | |

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

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