

## **P.03.02**

# **COMPLAINTS AND APPEALS POLICY**

### **1.0 INTRODUCTION**

- 1.1 In alignment with the ESOS National Code 2018, Standard 10 and Standard 6 of the Standards for Registered Training Organisations (RTOs) 2015 AVETA has specifically developed this policy and procedure to provide international and domestic students with a documented internal complaint handling and appeals process and policy.
- 1.2 AVETA will manage and respond to allegations involving to allegations involving the conduct of:
  - the RTO, its trainers, assessors or other staff
  - a third-party providing services on the RTO's behalf, it's trainers, assessors or other staff
  - a learner of the RTO.
- 1.3 AVETA will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaints process by:
  - Informing those involved in the allegations
  - Provides those involved to present their version of events
  - Operates in a fair and unbiased manner
  - Clearly sets out the procedure for submitting a complaint or appeal
  - Ensures that complaints and appeals are acknowledged in writing.
- 1.4 In the first instance the student should be advised to raise their complaint with the originating source.
- 1.5 Should a student feel that their issue is not satisfactorily resolved through informal means, they are required to initiate a formal complaint process. To do this, the student must fill out the FS.01.32 Student Complaint Form, providing a detailed account of the matter along with any supporting evidence or documentation. The completed form should then be submitted to the reception desk of the main campus or head office, where it will be formally logged and processed according to AVETA's official complaint handling procedures.
- 1.6 Once a complaint has been received, the details will be recorded in the Complaints and Appeals Register. This spreadsheet is monitored by the Compliance Officer.
- 1.7 AVETA's CEO will respond to any complaint a student makes regarding their dealings with AVETA; or their Education Agents; or any other related party AVETA has an arrangement with to deliver/assess the student's course or related services.
- 1.8 AVETA's CEO will commence assessment of the complaint or appeal within 10 working days of it being made in accordance with AVETA's complaints handling and appeals process and policy and finalise the outcome as soon as practicable. During this process AVETA will ensure the overseas student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings.
- 1.9 If AVETA considers its assessment of the complaint or appeal requires more than 60 calendar days to process and finalise, the CEO will inform the complainant or appellant in writing, including reasons why more than 60 days are required. AVETAs CEO will also regularly update the complainant or appellant in writing on the progress of the matter.
- 1.10 During the assessment of the complaint or appeal it will at all times be handled in a professional, fair and transparent manner.

- 1.11 AVETA will provide the student with a written statement of the outcome of the internal complaint, including detailed reasons for the outcome and will keep a written record of the complaint, including a statement of the outcome and reasons for the outcome on the student's file.
- 1.12 If the student is not successful after utilising AVETA's internal complaints handling process, AVETA's will advise the student within 10 working days of concluding the internal review of the student's right to access an external appeals process at minimal or no cost. AVETA will give the student the contact details of the appropriate external appeals body.
- 1.13 If the internal complaints handling process or appeal results in a decision or recommendation in favour of the student, AVETA will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the student of that action.
- 1.14 A student's enrolment will be maintained whilst a complaint is in progress and the outcome has not been determined, except in cases where AVETA is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
- 1.15 Where a student wishes to appeal a decision made by AVETA they must submit an appeal using the FS.01.25 Student Appeal Form . After conducting a review of the appeal, AVETA CEO will provide the student with a written statement of the outcome of the appeal, including the reasons for the outcome and will keep a written record of the appeal on the student's file.
- 1.16 If the student is not successful after utilising AVETA's appeal handling process, AVETA's will advise the student within 10 working days of concluding the internal review of the students right to access an external appeal process at minimal or no cost. AVETA will give the student the contact details of the appropriate external appeal body or bodies.

## 2.0 COMMUNICATION OF THE COMPLAINTS AND APPEALS POLICY

- a) All AVETA prospective students will be provided with information about AVETA's Complaints and Appeals Policy prior to the formalisation of enrolment through:
  - ☐ Course Pre-enrolment Information Sheets, and on
  - ☐ AVETA's website [www.aveta.edu.au](http://www.aveta.edu.au)
- b) This policy will also be available to students through the following sources:
  - ☐ Student Handbook
  - ☐ Skill and knowledge Assessment Tool (given to students at the beginning of the delivery of each unit of competency)
  - ☐ At the AVETA's Reception

## 3.0 EXTERNAL COMPLAINTS AND APPEALS

- a) Students have a variety of available options available to them if they wish to lodge an external complaint or appeal. These options include lodging a complaint through one of the following organisations or tribunals:
  - ☐ ASQA\* ( <http://www.asqa.gov.au/complaints/making-a-complaint.html> )
  - ☐ For "Bullying" issues direct to Fair Work Commission ( <http://www.fwc.gov.au/> )  
Administrative Appeals Tribunal ( <http://www.aat.gov.au> )

\* Note that ASQA can only deal with complaints concerning the following:

- ☐ the information provided by an RTO about the courses listed on the RTO's Scope of Registration
- ☐ the delivery and assessment of training provided and/or not provided to the enrolled student
- ☐ the qualifications issued or to be issued.

- b) If an International student is not satisfied with the result or conduct of the internal complaint handling and appeals process, AVETA will advise the student of their right to access the external appeals process through the Overseas Student Ombudsman at no cost to

themselves. The Overseas Student Ombudsman can be contacted as follows: ombudsman@ombudsman.gov.au or phone: 1300 362 072.

c) Domestic students can contact Consumer Affairs Victoria if they wish to lodge an external complaint or appeal in relation to fees and refunds.

c) Nothing in this policy or corresponding procedure inhibits the student to pursue other legal remedies under Australian Consumer Law. All Students are entitled to have their dispute resolved by exercising their rights to other legal remedies; however, where a student exercises this right any expenses incurred by the student will need to be borne by the student. Students wishing to take this course of action are advised to:

- ☐ Contact a solicitor; or
- ☐ Contact the Law Institute of Victoria for a referral to a solicitor (Level 13, 140 William Street, Melbourne VIC 3000, Tel- 9607 9311, [www.liv.asn.au](http://www.liv.asn.au) ); or
- ☐ Contact one of the following legal aid providers: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) or [www.wsls.org.au](http://www.wsls.org.au)

d) If the external complaint handling or appeal process results in a decision that supports the student, AVETA will immediately implement any decision and/or corrective and preventative action required and will advise the student of this outcome.

## 4.0 RECORD KEEPING AND CONTINUOUS IMPROVEMENT

4.1 AVETA shall maintain comprehensive and secure records of all complaints and appeals and their outcomes in a confidential and secure manner, ensuring the consistency and integrity of the records.

4.2 AVETA will maintain a register of complaints and appeals which at a minimum must include the following information:

- Date the complaint was submitted
- Name of complainant
- Description of complaint
- The resolution once agreed
- Date of resolution.

4.3 Records of each complaint and appeal will be stored electronically in a secure database with restricted access to protect the privacy of individuals involved. Physical copies, if any, shall be kept in a locked and secure area accessible only to authorised personnel.

4.4 AVETA must include an item in the Quality Assurance Plan for the monitoring of complaints.


4.5 AVETA will systematically analyse complaints and appeals to identify underlying issues or trends that may indicate potential systemic problems within the RTO.

4.6 Upon identification, AVETA will initiate appropriate corrective actions in accordance with P.03.04 Continuous Improvement Policy.

4.7 The effectiveness of corrective actions will be monitored in accordance with the requirements in P.03.04 Continuous Improvement Policy

4.8 Results from the continuous improvement process related to complaints and appeals will be reported in accordance with the requirements in P.03.04 Continuous Improvement Policy.

**Approval** ☐

<b>CEO / Manager Name</b>	Jagvir Gill		
<b>CEO / Manager's Signature</b>		<b>Date</b>	<b>18/03/22</b>