

## STUDENT COMPLAINTS

*Note:* This policy and procedures do not deal with appeals against assessment decisions. Such appeals are managed under the *Appeals Against Assessment Decisions* procedure, which is detailed following the *Student Complaints Policy and Procedures*.

It may also be determined that the appropriate means for dealing with an issue raised by a student is using Jobs Australia Enterprises feedback or work health and safety policies and procedures.

### Policy statements

- Students have the right to have genuine complaints dealt with in a fair, effective manner and without fear of any retribution
- Altitude Training Solutions (ATS) promotes early identification and resolution of issues
- All students will receive information on how to make complaints, including via the *Student Handbook* that is to be given to each student before or at the time of enrolment
- Students will be provided with assistance on the complaints process if required
- At all times the matter will be handled in a manner which complies with organisational and statutory privacy provisions
- While meeting organisational and statutory privacy provisions, information collected will be used to monitor service provision and continually improve core processes. For example, one possible outcome from complaint resolution processes is the lodgement of an *Improvement Request*.

The **principles of natural justice** or procedural fairness are to apply when dealing with complaints. Natural justice involves:

- Providing advanced warning, for example by providing clear information before finalising enrolment, to students and in the induction process for staff
- A respondent to a complaint is to be given adequate notice about the proceedings
- The staff member making a decision in relation to a matter should be unbiased and declare any personal interest they may have in the matter to their line manager. The line manager is to organise another staff member to deal with the matter if it is deemed this is in the interests of upholding real and perceived procedural fairness. The other staff member may be the line manager themselves.
- Proceedings should be fair to all the parties i.e. all parties should have their side of the matter heard
- Each party to a proceeding has the right to ask questions and contradict what the other party presents
- The staff member making a decision on the matter needs to take into account relevant considerations, extenuating circumstances and to ignore irrelevant considerations

A **support person** is someone of the complainant's or respondent's choice who can accompany them during meetings designed to determine the facts and resolve a complaint. The role of the support person is only to support the complainant or respondent in understanding the process and presenting their case.

### Procedures

#### Pre-Emptive Identification and Resolution of Issues

Feedback is to be sought from students and staff on at least an annual basis. Where practical students are to be surveyed during the delivery of training programs that run for more than six weeks. Ideally this occurs between the quarter and mid-point of a course. Information collected from such processes is to be analysed as part of identifying opportunities for improvement. The information is also to be analysed with the aim of identifying signs of any issues that can be addressed in the early stages. For example, where such information indicates that actions or behaviours could be occurring that have or are likely to have unreasonable negative impacts on a student's studies, the RTO Manager or their delegate is to investigate with the view of clarifying and resolving any issues in a timely manner.

Students are encouraged to raise any issues directly with the other party concerned in as timely a manner as possible. However, if an issue has developed as a result of an incident during a class or training session, the student should generally raise the matter with the trainer/assessor at the end of the training session.

If the actions or behaviours of another student(s) is likely to have unreasonable negative impacts on a student's studies and their own attempts to resolve the matter have not been successful, or if they feel too uncomfortable to try to resolve the issue themselves, they are encouraged to talk with their trainer and assessor with the aim of resolving the matter through informal mediation. The advice of the RTO Manager or their delegate can be sought to facilitate such a process. Where mediation is provided, the staff member who led the mediation may (if deemed appropriate) in consultation with all parties achieve a verbal agreement which would suffice as a resolution for the issue at hand and/or write to the complainant and respondent outlining the outcome and any actions agreed to by the parties as a result of the process.

### **Formal Resolution of Issues**

A formal resolution of a complaint can only be commenced by a completed *Student Complaint* form being lodged.

If the issue is about:

- An ATS or Jobs Australia Enterprises policy, procedure or facility - the student (or a staff member acting on their behalf) completes an *Improvement Request form*. The *Improvement Request Procedure* is then followed.
- A health or safety issue, the Jobs Australia Enterprises work health and safety policy and procedures is followed
- A serious matter in which the alleged breach of policy or procedures requires immediate investigation - the matter is referred to the RTO Manager or their delegate or the CEO or Deputy CEO for resolution in conjunction with the relevant government authorities.

If the complaint is about an alleged action of a staff member, where appropriate the RTO Manager or their delegate is to consult the Jobs Australia Enterprises Human Resources Manager.

If the complaint is about another issue, such as the quality of training delivery or alleged actions of another student(s) that has or is likely to have unreasonable negative impacts on a student's studies, the student completes Section 1 of the *Student Complaint Form*. An ATS staff member may complete this on the student's behalf. The remainder of this procedure is then followed.

Steps following lodgement of a completed *Student Complaint* form:

- The complaint is logged in the *Student Complaints Log* and Section 2 of the form completed by the RTO Manager or their delegate.

- The RTO Manager or their delegate allocates a Designated Person to handle the resolution of the complaint and forwards the complaint form to them as soon as practical.
- The Designated person contacts the respondent as soon as practical after receiving the complaint form, outlines the substance of the allegation and advises them as the Designated Person they will handle the complaint. The respondent may receive a written copy of the allegations.
- The Designated Person completes Section 3 of *the Student Complaint Form*.
- The Designated Person decides on a course of mediation appropriate to the individual situation. A meeting is potentially arranged to discuss in detail the nature of their complaint and possible solutions. The complainant and respondent may be accompanied by a support person of their choice at any time during the complaint's procedure. The Designated Person advises the support person of their role in the complaints process, as outlined under *Policy Statements and Definitions* previously.
- A complaint may be dismissed by the Designated Person if in their view it is misguided, ill-advised, frivolous, malicious or vexatious. In such cases the complainant is advised in writing that the matter has been dismissed and the reasons for the decision. The student is to be advised such a decision may be appealed by the student to the RTO Manager or their delegate (or if they handled the complaint the CEO or Deputy CEO) in writing who can appoint another Designated Person to investigate the matter or who may review the matter themselves.
- If the dismissal of a complaint is appealed by the complainant and the dismissal is subsequently upheld by the RTO Manager or the CEO or their delegate, the complainant is to be advised in writing with the reasons for upholding the dismissal. If the complainant wants to appeal the dismissal of the complaint the *External Mediation Procedure*, outlined below, can then apply.
- In facilitating an agreed resolution, the Designated Person is to take into account the Training Program Guidelines, relevant legislation and standards, other relevant ATS and Jobs Australia Enterprises policies and procedures and the impact on ATS and Jobs Australia Enterprises.
- If a resolution cannot be agreed the Designated Person will continue to mediate to reach an outcome acceptable to all parties. If such agreement cannot be reached the matter is referred to the RTO Manager or the CEO or their delegated representative for resolution.
- Where an agreed resolution is reached the Designated Person advises the outcome and reasons for any decisions/outcomes in writing to the complainant and the respondent
- The student signs off Section 3 of the *Student Complaint form* where they are satisfied with the outcome attained.
- If the student is unable to sign off Section 3 – either because they cannot physically attend ATS premises or because they cannot be contacted – the Designated Person will forward to them the *Student Complaint Declaration*. A stamped envelope addressed to ATS will be included to help return mail.
- Should the form not be returned within two weeks, the Designated Person will try to make contact with the student, for example by phone, SMS and/or email. Any relevant details contained in the conversation or reply are recorded on the complaint form.
- The Designated Person formally writes to the complainant and respondent to confirm the outcome of the mediation process. A copy is attached to the complaint form.
- The complaint form is returned to the Document Controller, who completes Section 4 and the *Student Complaint Log*

- A notation of the complaint is entered on the student's file
- The original documentation is held on the *Student Complaints* file

### **External Mediation**

Where a complaint has not reached resolution through internal mechanisms, or the complainant wants to appeal the dismissal of a complaint by the CEO, the CEO or their delegate will organise external, independent mediation.

If external, independent mediation is also unsuccessful in resolving the matter, the student is to be advised of the relevant external agency that the student can refer to, such as the Australian Skills Quality Authority (Ph: 1300 701 801).

### **APPEALS AGAINST ASSESSMENT DECISIONS PROCEDURE**

Where they believe they have reasonable grounds, students can appeal an assessment decision. Students are encouraged in the first instance to discuss the matter with their Trainer/Assessor to try to resolve the matter informally.

To lodge a formal appeal, the student is to complete the first three points of the *Student Assessment Appeal Form* and submit it to their trainer/assessor or the RTO Manager. Where the form is submitted to the trainer/assessor, a copy is to be forwarded to the RTO Manager. A staff member can assist the student to complete this form where needed.

A formal appeal must be made within 10 calendar days of the student being advised of the assessment result by ATS. This generally occurs when the assessor and student sign off the assessment result for the relevant assessment for the student. The means of informing the student of the result should be attached to the back of the *Student Assessment Appeal Form*.

During the appeal process students can be accompanied by a support person, such as a family member or friend.

In the first instance the assessor is to try to resolve the matter and inform the student of the outcome as soon as practical and within 10 working days. In trying to resolve the matter discussion with appropriately qualified colleagues is encouraged.

If the matter is not resolved within 10 working days or if the student is not satisfied with the outcome, the appeal can be escalated using the *Student Assessment Appeal Form* to the RTO Manager or their delegate.

The RTO Manager or their delegate will try to resolve the matter within 20 working days and to inform the student in writing of the outcome. The RTO Manager or their delegate is encouraged to seek advice from other appropriate professionals in resolving the matter.

If the matter is not resolved within 20 working days of the matter being referred to the RTO Manager or their delegate, or if the student is not satisfied with the outcome and still believes they have reasonable grounds to appeal, the appeal can be escalated using the *Student Assessment Appeal Form* to the CEO. The CEO or their delegate will try to resolve the matter within 20 working days and to inform the student in writing of the outcome.

If the student is not satisfied with the decision of the CEO and still believes they have reasonable grounds to appeal the student can request in writing the matter be dealt with by an appropriate independent organisation.

If ATS believes more than 60 calendar days are needed to process and finalise the appeal, the student will be advised of this along with reasons in writing by the RTO Manager or their delegate. The student is also to be provided with regular updates.